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Federal Register

Vol. 79, No. 173

Monday, September 8, 2014

FARM CREDIT ADMINISTRATION

12 CFR Part 652

RIN 3052–AC83

Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Liquidity Management; Correction

AGENCY: Farm Credit Administration.

ACTION: Final rule; correcting amendment.

SUMMARY: The Farm Credit Administration (FCA) published a final rule in the **Federal Register** on November 1, 2013 to strengthen liquidity risk management at the Federal Agricultural Mortgage Corporation, improve the quality of assets in its liquidity reserves, and bolster its ability to fund its obligations and continue operations during times of economic, financial, or market adversity. This document corrects and clarifies the section amended by final rule.

DATES: Effective April 30, 2014.

FOR FURTHER INFORMATION CONTACT: Joseph T. Connor, Associate Director for Policy and Analysis, Office of Secondary Market Oversight, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4280, TTY (703) 883–4056; or Richard A. Katz, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION: The FCA published a final rule in the **Federal Register** on November 1, 2013, (78 FR 65541) amending part 652. This final rule was corrected on May 20, 2014 (79 FR 28810) to accurately reflect the addition of new definitions. The final rule became effective on April 30, 2014. *See* 79 FR 29074, May 21, 2014. Due to a technical error in the language used in both the correction document and effective date notice, a portion of 12 CFR 652.5 was inadvertently removed. This correcting amendment reinstates the section as was intended by both the November 1, 2013, rule and its May 20, 2014, correction.

List of Subjects in 12 CFR Part 652

Agriculture, Banks, Banking, Capital, Investments, Rural areas.

For reasons stated in the preamble, the FCA amends 12 CFR part 652 with the following correcting amendment:

PART 652—FEDERAL AGRICULTURAL MORTGAGE CORPORATION FUNDING AND FISCAL AFFAIRS

■ 1. The authority citation for part 652 continues to read as follows:

Authority: Secs. 4.12, 5.9, 5.17, 8.11, 8.31, 8.32, 8.33, 8.34, 8.35, 8.36, 8.37, 8.41 of the Farm Credit Act (12 U.S.C. 2183, 2243, 2252, 2279aa–11, 2279bb, 2279bb–1, 2279bb–2, 2279bb–3, 2279bb–4, 2279bb–5, 2279bb–6, 2279cc); sec. 514 of Pub. L. 102–552, 106 Stat. 4102; sec. 118 of Pub. L. 104–105, 110 Stat. 168; sec. 939A of Pub. L. 11–203, 124 Stat. 1326, 1887 (15 U.S.C. 78o–7 note) (July 21, 2010).

■ 2. Revise § 652.5 to read as follows:

§ 652.5 Definitions.

For purposes of this subpart, the following definitions will apply:

Affiliate means any entity established under authority granted to the Corporation under section 8.3(c)(14) of the Farm Credit Act of 1971, as amended.

Asset-backed securities (ABS) mean investment securities that provide for ownership of a fractional undivided interest or collateral interests in specific assets of a trust that are sold and traded in the capital markets. For the purposes of this subpart, ABS exclude mortgage securities that are defined below.

Cash means cash balances held at Federal Reserve Banks, proceeds from traded-but-not-yet-settled debt, and deposit accounts at Federal Deposit Insurance Corporation-insured banks.

Contingency Funding Plan (CFP) is described in § 652.35(d)(2).

Eurodollar time deposit means a non-negotiable deposit denominated in United States dollars and issued by an overseas branch of a United States bank or by a foreign bank outside the United States.

Farmer Mac, Corporation, you, and your means the Federal Agricultural Mortgage Corporation and its affiliates.

FCA, our, us, or we means the Farm Credit Administration.

Final maturity means the last date on which the remaining principal amount of a security is due and payable (matures) to the registered owner. It does not mean the call date, the expected average life, the duration, or the weighted average maturity.

General obligations of a state or political subdivision means:

(1) The full faith and credit obligations of a state, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or a political subdivision thereof that possesses general powers of taxation, including property taxation; or

(2) An obligation that is unconditionally guaranteed by an obligor possessing general powers of taxation, including property taxation.

Government agency means the United States or an agency, instrumentality, or corporation of the United States Government whose obligations are fully and explicitly insured or guaranteed as to the timely repayment of principal and interest by the full faith and credit of the United States Government.

Government-sponsored agency means an agency, instrumentality, or corporation chartered or established to serve public purposes specified by the United States Congress but whose obligations are not fully and explicitly insured or guaranteed by the full faith and credit of the United States Government, including but not limited to any Government-sponsored enterprise.

Liability Maturity Management Plan (LMMP) is described in § 652.35(d)(2)(iv).

Liquid investments are assets that can be promptly converted into cash without significant loss to the investor. A security is liquid if the spread between its bid price and ask price is narrow and a reasonable amount can be sold at those prices promptly.

Liquidity reserve is described in § 652.40.

Long-Term Standby Purchase Commitment (LTSPC) is a commitment by Farmer Mac to purchase specified eligible loans on one or more undetermined future dates. In consideration for Farmer Mac's assumption of the credit risk on the specified loans underlying an LTSPC, Farmer Mac receives an annual commitment fee on the outstanding balance of those loans in monthly installments based on the outstanding balance of those loans.

Market risk means the risk to your financial condition because the value of your holdings may decline if interest rates or market prices change. Exposure to market risk is measured by assessing the effect of changing rates and prices on either the earnings or economic value of an individual instrument, a portfolio, or the entire Corporation.

Maturing obligations means maturing debt and other obligations that may be expected, such as buyouts of long-term standby purchase commitments or repurchases of agricultural mortgage securities.

Mortgage securities means securities that are either:

(1) Pass-through securities or participation certificates that represent ownership of a fractional undivided interest in a specified pool of residential (excluding home equity loans), multifamily or commercial mortgages, or

(2) A multiclass security (including collateralized mortgage obligations and real estate mortgage investment conduits) that is backed by a pool of residential, multifamily or commercial real estate mortgages, pass-through mortgage securities, or other multiclass mortgage securities.

(3) This definition does not include agricultural mortgage-backed securities guaranteed by Farmer Mac itself.

Nationally recognized statistical rating organization (NRSRO) means a rating organization that the Securities and Exchange Commission recognizes as an NRSRO.

Non-program investments means investments other than those in:

(1) ''Qualified loans'' as defined in section 8.0(9) of the Farm Credit Act of 1971, as amended; or

(2) Securities collateralized by ''qualified loans.''

OSMO means FCA's Office of Secondary Market Oversight.

Program assets means on-balance sheet ''qualified loans'' as defined in section 8.0(9) of the Farm Credit Act of 1971, as amended.

Program obligations means off-balance sheet ''qualified loans'' as defined in section 8.0(9) of the Farm Credit Act of 1971, as amended.

Regulatory capital means your core capital plus an allowance for losses and guarantee claims, as determined in accordance with generally accepted accounting principles.

Revenue bond means an obligation of a municipal government that finances a specific project or enterprise, but it is not a full faith and credit obligation. The obligor pays a portion of the revenue generated by the project or enterprise to the bondholders.

Weighted average life (WAL) means the average time until the investor receives the principal on a security, weighted by the size of each principal payment and calculated under specified prepayment assumptions.

Dated: September 3, 2014.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2014–21319 Filed 9–5–14; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0909; Special Conditions No. 25–533–SC]

Special Conditions: Airbus Model A350–900 Airplane; Electronic System-Security Protection From Unauthorized External Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Airbus Model A350–900 airplanes. These airplanes will have a novel or unusual design feature associated with electronic system-security protection from unauthorized external access. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* October 8, 2014.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, FAA, Airplane and Flightcrew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1298; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 2008, Airbus applied for a type certificate for their new Model A350–900 airplane. Later, Airbus requested, and the FAA approved, an extension to the application for FAA type certification to November 15, 2009. The Model A350–900 airplane has a conventional layout with twin wing-mounted Rolls-Royce Trent XWB engines. It features a twin-aisle, 9-abreast, economy-class layout, and accommodates side-by-side placement of LD–3 containers in the cargo compartment. The basic Model A350–900 airplane configuration accommodates 315 passengers in a standard two-class arrangement. The design cruise speed is Mach 0.85 with a maximum take-off weight of 602,000 lbs.

Contemporary transport-category airplanes have both safety-related and non-safety-related electronic system networks for many operational functions. However, electronic system-network-security considerations and functions have played a relatively minor role in the certification of such systems because of the isolation, protection mechanisms, and limited connectivity between the different networks.

Type Certification Basis

Under Title 14, Code of Federal Regulations (14 CFR) 21.17, Airbus must show that the Model A350–900 airplane meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model A350–900 series because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model A350–900 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Airbus Model A350–900 airplane will incorporate the following novel or unusual design feature:

The digital systems architecture for the Airbus Model A350–900 airplane is composed of several connected networks. This network architecture is used for a diverse set of functions, providing data connectivity between systems, including:

1. Airplane control, communication, display, monitoring and navigation systems,
2. Operator business and administrative support systems,
3. Passenger entertainment systems, and
4. Access by systems external to the airplane.

Discussion

The Airbus Model A350–900 airplane network architecture and configuration may allow increased connectivity to, and access from, external network sources, and operator operations and maintenance networks to the airplane control domain and operator-information-services domain. The airplane-control domain and operator-information-services domain perform functions required for the safe operation and maintenance of the airplane. Previously, these domains had very limited connectivity with external network sources. The network architecture and configuration may allow the exploitation of network-security vulnerabilities resulting in intentional or unintentional destruction, disruption, degradation, or exploitation of data, systems, and networks critical to the safety and maintenance of the airplane.

The existing regulations and guidance material did not anticipate these types of airplane system architectures. Furthermore, 14 CFR regulations and current system-safety assessment policy and techniques do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks, data buses, and servers. Therefore, these special conditions are to ensure that unauthorized wired or wireless electronic connections do not compromise the security (i.e., confidentiality, integrity, and availability) of airplane systems.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of proposed special conditions No. 25–13–17–SC for the Airbus Model A350–900 airplane was published in the **Federal Register** on December 17, 2013 (78 FR 76251)

Comment From Airbus

Airbus had one comment about the following wording of the first paragraph of the Proposed Special Conditions:

The applicant must ensure airplane electronic system security protection from access to or by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.

Airbus considers that the wording ''to or by'' is incorrect. The protection must prevent access from unauthorized sources external to the airplane only. The requirement of protection to unauthorized sources external to the airplane, is not relevant.

Therefore, Airbus suggests that the wording be modified as follows:

The applicant must ensure airplane electronic system security protection from access by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.

FAA Response

The FAA agrees with Airbus and has changed the special conditions accordingly.

Applicability

As discussed above, these special conditions apply to Airbus Model A350–900 series airplanes. Should Airbus apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the Airbus Model A350–900 series airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for Airbus Model A350–900 series airplanes.

1. The applicant must ensure airplane electronic system-security protection from access by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.
2. The applicant must ensure that electronic system-security threats are identified and assessed, and that effective electronic system-security protection strategies are implemented to protect the airplane from all adverse impacts on safety, functionality, and continued airworthiness.
3. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post-type-certification modifications that may have an impact on the approved electronic system-security safeguards.

Issued in Renton, Washington, on August 15, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–21243 Filed 9–5–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–1002; Special Conditions No. 25–530–SC]

Special Conditions: Airbus Model A350–900 Airplane; Lightning Protection of Fuel-Tank Structure To Prevent Fuel-Tank Vapor Ignition

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Airbus Model A350–900 airplanes.

These airplanes will have a novel or unusual design feature that will incorporate a nitrogen generation system (NGS) for all fuel tanks, to actively reduce flammability exposure within the fuel tanks significantly below that required by the fuel-tank flammability regulations. Among other benefits, the NGS significantly reduces the potential for fuel-vapor ignition caused by lightning strikes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* October 8, 2014.

FOR FURTHER INFORMATION CONTACT: Doug Bryant, Propulsion/Mechanical Systems, ANM–112, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2384; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 2008, Airbus applied for a type certificate for their new Model A350–900 airplane. Later, Airbus requested, and the FAA approved, an extension to the application for FAA type certification to November 15, 2009. The Model A350–900 airplane has a conventional layout with twin wing-mounted Rolls-Royce Trent XWB engines. It features a twin-aisle, 9-abreast, economy-class layout, and accommodates side-by-side placement of LD–3 containers in the cargo compartment. The basic Model A350–900 airplane configuration accommodates 315 passengers in a standard two-class arrangement. The design cruise speed is Mach 0.85 with a maximum take-off weight of 602,000 lbs. The Model A350–900 series airplane has a composite wing and fuel-tank structure constructed of carbon-fiber-reinforced plastic materials.

Type Certification Basis

Under Title 14, Code of Federal Regulations (14 CFR) 21.17, Airbus must show that the Model A350–900 airplane meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model A350–900 airplane because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model A350–900 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Airbus Model A350–900 airplane will incorporate the following novel or unusual design features: Fuel-tank NGS that is intended to control fuel-tank flammability for all fuel tanks. This NGS is designed to provide a level of performance that applies the more stringent standard for warm-day flammability performance applicable to normally emptied tanks within the fuselage contour from § 25.981(b), and 14 CFR part 25 appendix M, to all fuel tanks of the Model A350–900 airplane. This high level of NGS performance for all fuel tanks is a novel or unusual design feature not envisioned at the time the regulations applying to the Model A350–900 airplane certification basis were issued.

Discussion

The certification basis of the Airbus Model A350–900 airplane includes § 25.981, as amended by Amendment 25–125, as required by 14 CFR 26.37. This amendment includes the ignition-prevention requirements in § 25.981(a), as amended by Amendment 25–102. It includes revised flammability limits for all fuel tanks, and new specific limitations on flammability for all fuel tanks as defined in § 25.981(b), as amended by Amendment 25–125.

Ignition Source Prevention

Section 25.981(a)(3) requires applicants to show that an ignition source in the fuel-tank system could not result from any single failure, from any single failure in combination with any latent failure condition not shown to be extremely remote, or from any combination of failures not shown to be extremely improbable. This requirement was originally adopted in Amendment 25–102, and it requires the assumption that the fuel tanks are always flammable when showing that the probability of an ignition source being present is extremely remote. (Amendment 25–102 included § 25.981(c), which required minimizing fuel-tank flammability, and this was defined in the preamble as being equivalent to unheated aluminum fuel tanks located in the wing.) This requirement defines three types of scenarios that must be addressed to show compliance with § 25.981(a)(3). The first scenario is that any single failure, regardless of the probability of occurrence of the failure, must not cause an ignition source. The second scenario is that any single failure, regardless of the probability of occurrence, in combination with any latent failure condition not shown to be at least extremely remote, must not cause an ignition source. The third scenario is that any combination of failures not shown to be extremely improbable must not cause an ignition source. Demonstration of compliance with this requirement would typically require a structured, quantitative safety analysis. Design areas that have latent failure conditions typically would be driven by these requirements to have multiple fault tolerance, or ''triple redundancy.'' This means that ignition sources are still prevented even after two independent failures.

Flammability Limits

Section 25.981(b) states that no fuel-tank fleet-average flammability exposure may exceed 3 percent of the flammability-exposure evaluation time calculated using the method in part 25, Appendix N, or the fleet-average flammability of a fuel tank within the wing of the airplane being evaluated, whichever is greater. If the wing is not a conventional, unheated aluminum wing, the analysis must be based on an assumed equivalent, conventional construction, unheated, aluminum wing. In addition, for fuel tanks that are normally emptied during operation and that have any part of the tank located within the fuselage contour, the fleet-average flammability for warm days (above 80 °F) must be limited to 3 percent, as calculated using the method in part 25, Appendix M.

Application of Existing Regulations Inappropriate Due to Impracticality

Since the issuance of § 25.981(a)(3), as amended by Amendment 25–102, the FAA has conducted certification projects in which applicants found it impractical to meet the requirements of that regulation for some areas of lightning protection for fuel tank structure. Partial exemptions were issued for these projects. These same difficulties exist for the Airbus Model A350–900 airplane project.

The difficulty of designing multiple-fault-tolerant structure, and the difficulty of detecting failures of hidden structural-design features in general, makes compliance with § 25.981(a)(3) uniquely challenging and impractical for certain aspects of the electrical bonding of structural elements. Such bonding is needed to prevent occurrence of fuel-tank ignition sources from lightning strikes. The effectiveness and fault tolerance of electrical-bonding features for structural joints and fasteners is partially dependent on design features that cannot be effectively inspected or tested after assembly without damaging the structure, joint, or fastener. Examples of such features include a required interference fit between the shank of a fastener and the hole in which the fastener is installed; metal foil or mesh imbedded in composite material; a required clamping force provided by a fastener to pull two structural parts together; and a required faying surface bond between the flush surfaces of adjacent pieces of structural material, such as in a wing-skin joint, or a mounting-bracket installation. In addition, other features that physically can be inspected or tested may be located within the fuel tanks. Therefore, it is not practical to inspect for failures of those features at short intervals. Examples of such failures include separation or loosening of cap seals over fastener ends, and actual structural failures of internal fasteners. This inability to practically detect manufacturing errors and failures of structural-design features critical to lightning protection results in degraded conditions that occur and remain in place for a very long time, possibly for the remaining life of the airplane. The complex construction techniques associated with composite structure can make these aspects particularly challenging.

Accounting for such long failure-latency periods in the system safety analysis, required by § 25.981(a)(3), would require multiple fault tolerance in the structural lightning-protection design. As part of the design-development activity for the Model A350–900 airplane, Airbus has examined possible design provisions to provide multiple fault tolerance in the structural design to prevent ignition sources from occurring in the event of lightning attachment to the airplane in critical locations. Airbus has concluded from this examination that providing multiple fault tolerance for some structural elements is not practical. Airbus has also identified some areas of the Model A350–900 airplane design where it is impractical to provide even single-fault tolerance in the structural design to prevent ignition sources from occurring in the event of lightning attachment after a single failure. The FAA has reviewed this examination with Airbus in detail and has agreed that providing fault tolerance beyond that in the Model A350–900 airplane design for these areas would be impractical.

As a result of the Airbus Model A350–900 airplane and other certification projects, the FAA has now determined that compliance with § 25.981(a)(3) is impractical for some areas of lightning protection for fuel-tank structure, and that application of § 25.981(a)(3) to those design areas is therefore inappropriate. The FAA plans further rulemaking to revise § 25.981(a)(3). As appropriate, the FAA plans to issue special conditions or exemptions for certification projects progressing before the revision is complete. This is discussed in FAA Memorandum ANM–112–08–002, *Policy on Issuance of Special Conditions and Exemptions Related to Lightning Protection of Fuel Tank Structure,* dated May 26, 2009.[1]

Application of Existing Regulations Inappropriate Due to Compensating Feature That Provides Equivalent Level of Safety

Section 25.981(b) sets specific standards for fuel-tank flammability as discussed above under ''Flammability Limits.'' Under that regulation, the fleet-average flammability exposure of all fuel tanks on the Model A350–900 airplane may not exceed 3 percent of the flammability-exposure evaluation time calculated using the method in part 25, Appendix N, or the fleet-average flammability of a wing main tank within an equivalent construction, conventional, unheated, aluminum wing fuel tank, whichever is greater. The typical fleet-average fuel-tank flammability of fuel tanks located in the wing ranges between 1 and 5 percent. If it is assumed that a Model A350–900 airplane equivalent, conventional, unheated, aluminum wing fuel tank would not exceed a fleet-average flammability time of 3 percent, the actual composite Model A350–900 airplane wing-fuel-tank design would be required to comply with the 3 percent fleet average flammability standard, and therefore a means to reduce the flammability to 3 percent would be required. However, the Model A350–900 airplane design includes NGS for all fuel tanks that will also be shown to meet the additional, more-stringent warm-day average flammability standard in part 25, Appendix M, which is only required for normally emptied fuel tanks with some part of the tank within the fuselage contour. Fuel tanks that meet this requirement typically have average fuel-tank flammability levels well below the required 3 percent.

Since the NGS for all fuel tanks on the Model A350–900 airplane provides performance that meets part 25, Appendix M, the FAA has determined that the risk reduction provided by this additional performance will provide compensation for some relief from the ignition-prevention requirements of § 25.981(a)(3) while still establishing a level of safety equivalent to that established in the regulations.

In determining the appropriate amount of relief from the ignition-prevention requirements of § 25.981(a), the FAA considered the original overall intent of Amendment 25–102, which was to ensure the prevention of catastrophic events due to fuel-tank vapor explosion. These special conditions are intended to achieve that objective through a prescriptive requirement that fault tolerance (with respect to the creation of an ignition source) be provided for all structural lightning protection design features where providing such fault tolerance is practical, and through a performance-based standard for the risk due to any single-failure vulnerability that exists in the design. In addition, for any structural lightning-protection design features for which Airbus shows that providing fault tolerance is impractical, these special conditions require Airbus to show that a fuel-tank vapor-ignition event, due to the summed risk of all non-fault-tolerant design features, is extremely improbable. Airbus would be required to show that the design meets this safety objective using a structured system-safety assessment similar to that currently used for demonstrating compliance with §§ 25.901 and 25.1309.

Given these novel or unusual design features, and the compliance challenges noted earlier in this document, the FAA has determined that application of § 25.981(a)(3) is inappropriate in that it is neither practical nor necessary to apply the ignition-source-prevention provisions of § 25.981(a)(3) to the specific fuel-tank structural lightning-protection features of the Airbus Model A350–900 airplane. However, without the § 25.981(a)(3) provisions, the remaining applicable regulations in the Model A350–900 airplane certification basis would be inadequate to set an appropriate standard for fuel-tank ignition prevention. Therefore, in accordance with provisions of § 21.16, the FAA has determined that, instead of § 25.981(a)(3), alternative fuel-tank structural lighting-protection requirements be applied to fuel-tank lightning-protection features that are integral to the airframe structure of the

[1] The memorandum may be viewed at: *http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgPolicy.nsf/0/12350AE62D393B7A862575C300709CA3?OpenDocument&Highlight=anm-112-08-002*

Model A350–900 airplane. These alternative requirements are intended to provide the level of safety intended by § 25.981(a)(3), based on our recognition, as discussed above, that a highly effective NGS for the fuel tanks makes it unnecessary to assume that the fuel tank is always flammable. As discussed previously, the assumption that the fuel tanks are always flammable was required when demonstrating compliance to the ignition-prevention requirements of § 25.981(a)(3).

One resulting difference between these special conditions and the § 25.981(a)(3) provisions they are meant to replace is the outcome being prevented—fuel-vapor ignition versus an ignition source. These special conditions acknowledge that the application of fuel-tank-flammability performance standards will reduce fuel-tank flammability to an extent that it is appropriate to consider the beneficial effects of flammability reduction when considering design areas where it is impractical to comply with § 25.981(a)(3).

One of the core requirements of these special conditions is a prescriptive requirement that structural lightning-protection design features must be fault tolerant. (An exception, wherein Airbus can show that providing fault tolerance is impractical, and associated requirements, is discussed below.) The other core requirement is that Airbus must show that the design, manufacturing processes, and *Airworthiness Limitations* section of the *Instructions for Continued Airworthiness* include all practical measures to prevent, and detect and correct, failures of structural-lightning protection features due to manufacturing variability, aging, wear, corrosion, and likely damage. The FAA has determined that, if these core requirements are met, a fuel-tank vapor-ignition event, due to lightning, is not anticipated to occur in the life of the airplane fleet. This conclusion is based on the fact that a critical lightning strike to any given airplane is itself a remote event, and on the fact that fuel tanks must be shown to be flammable only for a relatively small portion of the fleet operational life.

For any non-fault-tolerant features in the design, Airbus must show that eliminating these features or making them fault tolerant is impractical. The requirements and considerations for showing it is impractical to provide fault tolerance are described in FAA Memorandum ANM–112–08–002. This requirement is intended to minimize the number of non-fault-tolerant features in the design.

For areas of the design where Airbus shows that providing fault-tolerant structural lighting-protection features is impractical, non-fault-tolerant features will be allowed, provided Airbus can show that a fuel-tank vapor-ignition event, due to the non-fault-tolerant features, is extremely improbable when the sum of probabilities of those events, due to all non-fault-tolerant features, is considered. Airbus will be required to submit a structured, quantitative assessment of fleet-average risk for a fuel-tank vapor-ignition event due to all non-fault-tolerant design features included in the design. This will require determination of the number of non-fault-tolerant design features, estimates of the probability of the failure of each non-fault-tolerant design feature, and estimates of the exposure time for those failures. This analysis must include failures due to manufacturing variability, aging, wear, corrosion, and likely damage.

It is acceptable to consider the probability of fuel-tank flammability, the probability of a lightning strike to the airplane, the probability of a lightning strike to specific zones of the airplane (for example, Zone 2 behind the nacelle, but not a specific location or feature), and a distribution of lightning-strike amplitude in performing the assessment, provided the associated assumptions are acceptable to the FAA. The analysis must account for any dependencies among these factors, if they are used. The assessment must also account for operation with inoperative features and systems, including any proposed or anticipated dispatch relief. This risk-assessment requirement is intended to ensure that an acceptable level of safety is provided given the non-fault-tolerant features in the design.

Part 25, Appendix N, as adopted in Amendment 25–125, in conjunction with these special conditions, constitutes the standard for how to determine flammability probability. In performing the safety analysis required by these special conditions, relevant § 25.981(a)(3) compliance guidance is still applicable. Appropriate credit for the conditional probability of environmental or operational conditions occurring is normally limited to those provisions involving multiple failures, and this type of credit is not normally allowed in evaluation of single failures. However, these special conditions would allow consideration of the probability of occurrence of lightning attachment and flammable conditions when assessing the probability of structural failures resulting in a fuel-tank vapor-ignition event.

The FAA understands that lightning-protection safety for airplane structure is inherently different from lightning protection for systems. We intend to apply these special conditions only to structural lightning-protection features of fuel systems. We do not intend to apply the alternative standards used under these special conditions to other areas of the airplane-design evaluation.

Requirements Provide Equivalent Level of Safety

In recognition of the unusual design feature discussed above, and the impracticality of requiring multiple fault tolerance for lightning protection of certain aspects of fuel-tank structure, the FAA has determined that a level of safety equivalent to direct compliance with § 25.981(a)(3) will be achieved for the Model A350–900 airplane by applying these requirements. The FAA considers that, instead of only concentrating on fault tolerance for ignition-source prevention, significantly reducing fuel-tank flammability exposure, in addition to preventing ignition sources, is a better approach to lightning protection for the fuel tanks. In addition, the level of average fuel-tank flammability achieved by compliance with these special conditions is low enough that it is not appropriate or accurate to assume, in a safety analysis, that the fuel tanks may always be flammable.

Section 25.981(b), as amended by Amendment 25–125, sets limits on the allowable fuel-tank flammability for the Model A350–900 airplane. Condition 2(a) of these special conditions applies the more-stringent standard, for warm-day flammability performance applicable to normally emptied tanks within the fuselage contour, from § 25.981(b) and part 25, Appendix M, to all of the fuel tanks of the Model A350–900 airplane.

Because of the more-stringent fuel-tank flammability requirements in these special conditions, and because the flammability state of a fuel tank is independent of the various failures of structural elements that could lead to an ignition source in the event of lightning attachment, the FAA has agreed that it is appropriate in this case to allow treatment of flammability as an independent factor in the safety analysis. The positive control of flammability, and the lower flammability that is required by these special conditions, exceed the minimum requirements of § 25.981(b). This offsets a reduction of the stringent standard for ignition-source prevention in § 25.981(a)(3), which assumes that the fuel tank is flammable at all times.

Given the stringent requirements for fuel-tank flammability, the fuel-vapor ignition prevention, and the ignition-source prevention requirements in these special conditions will prevent ''. . . catastrophic failure . . . due to ignition of fuel or vapors,'' as stated in § 25.981(a). Thus, the overall level of safety achieved by these special conditions is considered equivalent to that which would be required by compliance with § 25.981(a)(3) and (b).

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of proposed special conditions No. 25–13–36–SC for Airbus Model A350–900 series airplanes was published in the **Federal Register** on December 19, 2013 (78 FR 76775). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions apply to Airbus Model A350–900 series airplanes. Should Airbus apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the Airbus Model A350–900 series airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for Airbus Model A350–900 series airplanes.

1. Definitions

Most of the terms used in the special conditions described in Alternative Fuel Tank Structural Lightning Protection Requirements either have the common dictionary meaning or are defined in Advisory Circular 25.1309–1A, *System Design and Analysis,* dated June 21, 1988.

The following definitions are the only terms intended to have a specialized meaning when used in these special conditions:

(a) *Basic Airframe Structure.* Includes design elements such as structural members, structural joint features, and fastener systems including airplane skins, ribs, spars, stringers, etc., and associated fasteners, joints, coatings, and sealant. Basic airframe structure may also include those structural elements that are expected to be removed for maintenance, such as exterior fuel-tank access panels and fairing-attachment features, provided maintenance errors that could compromise associated lightning-protection features would be evident upon an exterior, preflight inspection of the airplane and would be corrected prior to flight.

(b) *Permanent System-Supporting Structure.* Includes static, permanently attached structural parts (such as brackets) that are used to support system elements. It does not include any part intended to be removed, or any joint intended to be separated, to maintain or replace system elements or other parts, unless that part removal or joint separation is accepted by the FAA as being extremely remote.

(c) *Manufacturing Variability.* Includes tolerances and variability that the design and production specifications allow, as well as anticipated errors or escapes from the manufacturing and inspection processes.

(d) *Extremely Remote.* Conditions that are not anticipated to occur to each airplane during its total life, but which may occur a few times when considering the total operational life of all airplanes of one type. Extremely remote conditions are those having an average probability per flight hour on the order of 1×10^{-7} or less, but greater than on the order of 1×10^{-9}.

(e) *Extremely Improbable.* Conditions that are so unlikely that they are not anticipated to occur during the entire operational life of all airplanes of one type. Extremely improbable conditions are those having an average probability per flight hour of the order of 1×10^{-9} or less.

2. Alternative Fuel-Tank Structural Lightning-Protection Requirements

For lightning-protection features that are integral to fuel-tank basic airframe structure or permanent system-supporting structure, as defined in this these special conditions Definitions, for which Airbus shows and the FAA finds compliance with § 25.981(a)(3) to be impractical, the following requirements may be applied in lieu of the requirements of § 25.981(a)(3):

(a) Airbus must show that the airplane design meets the requirements of part 25, Appendix M, as amended by Amendment 25–125, for all fuel tanks installed on the airplane.

(b) Airbus must show that the design includes at least two independent, effective, and reliable lightning-protection features (or sets of features) such that fault tolerance to prevent lightning-related ignition sources is provided for each area of the structural design to be shown compliant with these special conditions in lieu of compliance with the requirements of § 25.981(a)(3). Fault tolerance is not required for any specific design feature if:

(1) For that feature, providing fault tolerance is shown to be impractical, and

(2) Fuel-tank vapor ignition due to that feature and all other non-fault-tolerant features, when their fuel-tank vapor-ignition event probabilities are summed, is shown to be extremely improbable.

(c) Airbus must perform an analysis to show that the design, manufacturing processes, and airworthiness limitations section of the instructions for continued airworthiness include all practical measures to prevent, and detect and correct, failures of structural lightning-protection features due to manufacturing variability, aging, wear, corrosion, and likely damage.

Issued in Renton, Washington, on August 15, 2014.

Jeffrey E. Duven,

Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–21245 Filed 9–5–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 310, 314, 329, and 600

[Docket No. FDA–2008–N–0334]

RIN 0910–AF96

Postmarketing Safety Reports for Human Drug and Biological Products; Electronic Submission Requirements; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule entitled ''Postmarketing Safety Reports for Human Drug and Biological Products; Electronic Submission Requirements'' that appeared in the **Federal Register** of June 10, 2014 (79 FR 33072). The document amended FDA's postmarketing safety reporting regulations for human drug and biological products to require that persons subject to mandatory reporting requirements submit safety reports in an electronic format that FDA can process, review, and archive. The document was published with an incorrect RIN number. This document corrects the error.

DATES: *Effective date:* September 8, 2014.

FOR FURTHER INFORMATION CONTACT: Jean Chung, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4466, Silver Spring, MD 20993–0002, 301–796–1874; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7268, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 10, 2014, in FR Doc. 2014–13480, the following correction is made:

1. On page 33073, in the third column, the RIN number heading is corrected to read ''RIN 0910–AF96''.

Dated: September 2, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–21266 Filed 9–5–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310, 314, 329, and 600

[Docket No. FDA–2008–N–0334]

RIN 0910–AF96

Postmarketing Safety Reports for Human Drug and Biological Products; Electronic Submission Requirements; Corrections

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; corrections.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document entitled ''Postmarketing Safety Reports for Human Drug and Biological Products; Electronic Submission Requirements; Correction'' that appeared in the **Federal Register** of August 14, 2014 (79 FR 47655). The document published without the required RIN number and in the Notice category. This document corrects those errors.

DATES: *Effective Date:* September 8, 2014.

FOR FURTHER INFORMATION CONTACT: Jean Chung, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4466, Silver Spring, MD 20993–0002, 301–796–1874; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7268, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 14, 2014, in FR Doc. 2014–19255, the following correction is made:

1. On page 47655, in the first column, add the heading ''RIN 0910–AF96'' between the Docket No. and the title of the document.

Dated: September 2, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–21267 Filed 9–5–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 520, 522, and 558

[Docket No. FDA–2014–N–0002]

New Animal Drugs; Buprenorphine; Carprofen; Danofloxacin; Follicle Stimulating Hormone; Ractopamine; Salinomycin; Tylosin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during July 2014. FDA is also informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to add a cross reference to a tolerance.

DATES: This rule is effective September 8, 2014.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9019, *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during July 2014, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday. Persons with access to the Internet may obtain these documents at the Center for Veterinary Medicine (CVM) FOIA Electronic Reading Room: *http://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CVM/CVMFOIAElectronicReadingRoom/default.htm.* Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: *http://www.fda.gov/AnimalVeterinary/Products/ApprovedAnimalDrugProducts/default.htm.*

Also, the animal drug regulations are being amended in 21 CFR 522.955 to add a cross reference to a tolerance for an inactive vehicle in an injectable dosage form product. This amendment is being made to improve the accuracy of the regulations.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING JULY 2014

NADA/ANADA	Sponsor	New animal drug product name	Action	21 CFR sections	FOIA summary	NEPA review
013–076 [1]	Elanco Animal Health, A Division of Eli Lilly & Co., Lilly Corporate Center, Indianapolis, IN 46285.	TYLAN (tylosin tartrate) Soluble Powder.	Supplemental approval for the control of mortality caused by necrotic enteritis associated with *Clostridium perfringens* in broiler chickens.	520.2640	yes	EA/FONSI [2]
141–207	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	ADVOCIN (danofloxacin injection) Sterile Injectable Solution.	Supplemental approval for control of bovine respiratory disease (BRD) in beef cattle at high risk of developing BRD associated with *Mannheimia haemolytica* and *Pasteurella multocida*.	522.522	yes	CE [3 4]
141–431	Bioniche Animal Health USA, Inc., 119 Rowe Rd., Athens, GA 30601.	FOLLTROPIN (porcine pituitary-derived follicle stimulating hormone for injection).	Original approval for the induction of superovulation in beef and dairy heifers and cows.	522.1002	yes	CE [3 5]
141–434	Abbott Laboratories, North Chicago, IL 60064.	SIMBADOL (buprenorphine injection).	Original approval for control of postoperative pain associated with surgical procedures in cats.	522.230	yes	CE [3 6]
200–520	Norbrook Laboratories, Ltd., Station Works, Newry BT35 6JP, Northern Ireland.	CARPRIEVE (carprofen) Injection.	Original approval as a generic copy of NADA 141–199.	522.304	yes	CE [3 7]
200–559	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	ACTOGAIN 45 (ractopamine HCl) plus RUMENSIN (monensin) Type B and C medicated feeds.	Original approval as a generic copy of NADA 141–225.	558.500	yes	CE [3 7]
200–566 [1]	Huvepharma AD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria.	OPTAFLEXX 45 (ractopamine HCl) plus RUMENSIN (monensin) plus TYLOVET (tylosin phosphate) Type B and C medicated feeds.	Original approval as a generic copy of NADA 141–224.	558.500	yes	CE [3 7]
200–567 [1]	Huvepharma AD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria.	OPTAFLEXX 45 (ractopamine HCl) plus RUMENSIN (monensin) plus TYLOVET (tylosin phosphate) plus MGA (melengestrol acetate) Type B and C medicated feeds.	Original approval as a generic copy of NADA 141–233.	558.500	yes	CE [3 7]
200–569 [1]	Huvepharma AD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria.	TYLAN (tylosin phosphate) plus SACOX (salinomycin sodium) Type C medicated feeds.	Original approval as a generic copy of NADA 141–198.	558.550	yes	CE [3 7]
200–570 [1]	Huvepharma AD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria.	TYLOVET (tylosin phosphate) plus BIO–COX (salinomycin sodium) Type C medicated feeds.	Original approval as a generic copy of NADA 141–198.	558.550	yes	CE [3 7]

[1] The listed application is affected by guidance for industry (GFI) #213, ''New Animal Drugs and New Animal Drug Combination Products Administered in or on Medicated Feed or Drinking Water of Food-Producing Animals: Recommendations for Drug Sponsors for Voluntarily Aligning Product Use Conditions with GFI #209'', December 2013.

[2] The Agency has carefully considered an environmental assessment (EA) of the potential environmental impact of this action and has made a finding of no significant impact (FONSI).

[3] The Agency has determined under 21 CFR 25.33 that this action is categorically excluded (CE) from the requirement to submit an environmental assessment or an environmental impact statement because it is of a type that does not individually or cumulatively have a significant effect on the human environment.

[4] CE granted under 21 CFR 25.33(d)(5).

[5] CE granted under 21 CFR 25.33(c).

[6] CE granted under 21 CFR 25.33(d)(1).

[7] CE granted under 21 CFR 25.33(a)(1).

List of Subjects

21 CFR Parts 520 and 522

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520, 522, and 558 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. In § 520.2640, revise paragraphs (b) and (e)(1) to read as follows:

§ 520.2640 Tylosin.

* * * * *

(b) *Sponsors.* (1) No. 000986 for use as in paragraphs (e)(1), (e)(2)(i), (e)(2)(ii)(A), (e)(2)(iii), (e)(3), and (e)(4) of this section.

(2) No. 016592 for use as in paragraphs (e)(1)(i)(A), (e)(1)(ii), (e)(2)(i), (e)(2)(ii)(A), (e)(2)(iii), (e)(3), and (e)(4) of this section.

(3) No. 061623 for use as in paragraphs (e)(1)(i)(A), (e)(1)(ii), (e)(2)(i), (e)(2)(ii)(B), (e)(2)(iii), (e)(3), and (e)(4) of this section.

* * * * *

(e) * * *

(1) *Chickens*—(i) *Amounts and indications for use.*—(A) Administer 2 grams per gallon (528 parts per million (ppm)) for 1 to 5 days as an aid in the treatment of chronic respiratory disease (CRD) associated with *Mycoplasma gallisepticum* in broiler and replacement chickens. For the control of CRD associated with *M. gallisepticum* at time of vaccination or other stress in chickens. For the control of CRD associated with *Mycoplasma synoviae* in broiler chickens. Treated chickens should consume enough medicated drinking water to provide 50 milligrams (mg) tylosin per pound of body weight per day.

(B) Administer 851 to 1,419 mg/gallon (225 to 375 ppm) for 5 days for the control of mortality caused by necrotic enteritis associated with *Clostridium perfringens* in broiler chickens.

(ii) *Limitations.* Do not use in layers producing eggs for human consumption. Do not administer within 24 hours of slaughter.

* * * * *

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 4. Add § 522.230 to read as follows:

§ 522.230 Buprenorphine.

(a) *Specifications.* Each milliliter of solution contains 1.8 milligrams (mg) buprenorphine.

(b) *Sponsor.* See No. 000044 in § 510.600(c) of this chapter.

(c) *Conditions of use in cats*—(1) *Amount.* Administer 0.24 mg per kilogram (0.11 mg per pound) by subcutaneous injection once daily, for up to 3 days. Administer the first dose approximately 1 hour prior to surgery.

(2) *Indications for use.* For the control of postoperative pain associated with surgical procedures in cats.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 522.304 [Amended]

■ 5. In § 522.304, paragraph (b), remove ''No. 054771'' and in its place add ''Nos. 054771 and 055529''.

■ 6. In § 522.522, remove paragraph (d)(2); redesignate paragraph (d)(3) as paragraph (d)(2); and revise paragraph (d)(1) to read as follows:

§ 522.522 Danofloxacin.

* * * * *

(d) * * *

(1) *Amount and indications for use.* Administer by subcutaneous injection either:

(i) 6 mg per kilogram (/kg) of body weight, repeated in 48 hours, for the treatment of bovine respiratory disease (BRD) associated with *Mannheimia haemolytica* and *Pasteurella multocida;* or

(ii) 8 mg/kg of body weight as a single dose for the treatment of BRD associated with *M. haemolytica* and *P. multocida* and for the control of BRD in beef cattle at high risk of developing BRD associated with *M. haemolytica* and *P. multocida.*

* * * * *

■ 7. In § 522.955, revise paragraph (c) to read as follows:

§ 522.955 Florfenicol.

* * * * *

(c) *Related tolerances.* See §§ 500.1410 and 556.283 of this chapter.

* * * * *

■ 8. In § 522.1002, add paragraph (c) to read as follows:

§ 522.1002 Follicle stimulating hormone.

* * * * *

(c)(1) *Specifications.* Each package contains 2 vials. One vial contains 700 international units (IU) porcine-pituitary derived follicle stimulating hormone (FSH) equivalent to 400 milligrams NIH–FSH–P1, as a dry powder. The other vial contains 20 milliliters (mL) of bacteriostatic sodium chloride injection. When reconstituted, each milliliter of constituted solution contains 35 IU FSH.

(2) *Sponsor.* See No. 064847 in § 510.600(c) of this chapter.

(3) *Conditions of use*—(i) *Dosage.* Administer 2.5 mL (87.5 IU) intramuscularly, twice daily at 12-hour intervals, for 4 consecutive days. In conjunction with the 6th dose, administer an approved prostaglandin product for cattle (cloprostenol sodium or dinoprost tromethamine), using the labeled dosage and administration instructions to cause luteolysis and induce estrus. See § 522.460 for use of cloprostenol sodium or § 522.690 for use of dinoprost tromethamine.

(ii) *Indications for use.* For the induction of superovulation in beef and dairy heifers and cows.

(iii) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 9. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

■ 10. In § 558.500, revise paragraphs (e)(2)(ii), (e)(2)(iv), (e)(2)(vii), (e)(2)(ix), (e)(2)(x), (e)(2)(xii), and (e)(2)(xiii), to read as follows:

§ 558.500 Ractopamine.

* * * * *

(e) * * *

(2) * * *

Ractopamine in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
* *	*	* *	*	*
(ii) 8.2 to 24.6	Monensin 10 to 40 to provide 0.14 to 0.42 mg monensin/lb of body weight, depending on severity of coccidiosis challenge, up to 480 mg/head/day.	Cattle fed in confinement for slaughter: As in paragraph (e)(2)(i) of this section; for prevention and control of coccidiosis due to *Eimeria bovis* and *E zuernii*.	As in paragraph (e)(2)(i) of this section; see paragraph §§ 558.355(d) of this chapter. Ractopamine as provided by Nos. 000986 or 054771 in § 510.600(c) of this chapter; monensin as provided by No. 000986 in § 510.600(c) of this chapter.	000986, 054771
* *	*	* *	*	*
(iv) 8.2 to 24.6	Monensin 10 to 40 to provide 0.14 to 0.42 mg monensin/lb of body weight, depending on severity of coccidiosis challenge, up to 480 mg/head/day, plus tylosin 8 to 10.	Cattle fed in confinement for slaughter: As in paragraph (e)(2)(i) of this section; for prevention and control of coccidiosis due to *Eimeria bovis* and *E zuernii;* and for reduction of incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Arcanobacterium* (*Actinomyces*) *pyogenes*.	As in paragraph (e)(2)(i) of this section; see §§ 558.355(d) and 558.625(c) of this chapter. Ractopamine as provided by No. 000986 with tylosin as provided by Nos. 000986 or 016592 in § 510.600(c) of this chapter; or ractopamine as provided by No. 054771 with tylosin as provided by No. 000986 in § 510.600(c) of this chapter.	000986, 016592, 054771
* *	*	* *	*	*
(vii) 9.8 to 24.6	Monensin 10 to 40 to provide 0.14 to 0.42 mg monensin/lb of body weight, depending on severity of coccidiosis challenge, up to 480 mg/head/day.	Cattle fed in confinement for slaughter: As in paragraph (e)(2)(vi) of this section; for prevention and control of coccidiosis due to *Eimeria bovis* and *E zuernii*.	As in paragraph (e)(2)(vi) of this section; see paragraph §§ 558.355(d) of this chapter. Ractopamine as provided by Nos. 000986 or 054771 in § 510.600(c) of this chapter; monensin as provided by No. 000986 in § 510.600(c) of this chapter.	000986, 054771
* *	*	* *	*	*
(ix) 9.8 to 24.6	Monensin 10 to 40 to provide 0.14 to 0.42 mg monensin/lb of body weight, depending on severity of coccidiosis challenge, up to 480 mg/head/day, plus tylosin 8 to 10.	Cattle fed in confinement for slaughter: As in paragraph (e)(2)(vi) of this section; for prevention and control of coccidiosis due to *Eimeria bovis* and *E zuernii;* and for reduction of incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Arcanobacterium* (*Actinomyces*) *pyogenes*.	As in paragraph (e)(2)(vi) of this section; see §§ 558.355(d) and 558.625(c) of this chapter. Ractopamine and monensin as provided by No. 000986 with tylosin as provided by Nos. 000986 or 016592 in § 510.600(c) of this chapter; or ractopamine as provided by No. 054771 with monensin and tylosin as provided by No. 000986 in § 510.600(c) of this chapter.	000986, 016592, 054771

Ractopamine in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(x) 9.8 to 24.6	Monensin 10 to 40 to provide 0.14 to 0.42 mg monensin/lb of body weight, depending on severity of coccidiosis challenge, up to 480 mg/head/day, plus tylosin 8 to 10, plus melengestrol acetate to provide 0.25 to 0.5 mg/head/day.	Heifers fed in confinement for slaughter: As in paragraph (e)(2)(vi) of this section; for prevention and control of coccidiosis due to *Eimeria bovis* and *E zuernii;* for reduction of incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Arcanobacterium* (*Actinomyces*) *pyogenes;* and for suppression of estrus (heat).	As in paragraph (e)(2)(vi) of this section; see paragraphs §§ 558.342(d), 558.355(d) and 558.625(c) of this chapter. Ractopamine, monensin, and tylosin as provided by No. 000986 with melengestrol acetate as provided by Nos. 000986 or 054771 in § 510.600(c) of this chapter; or ractopamine and monensin as provided by No. 000986 with tylosin as provided by Nos. 000986 or 016592 and melengestrol acetate as provided by No. 054771 in § 510.600(c) of this chapter; or ractopamine as provided by No. 054771 with monensin and tylosin as provided by No. 000986 and melengestrol acetate provided by No. 054771 in § 510.600(c) of this chapter.	000986, 016592, 054771
* *	*	* *	*	*
(xii) Not to exceed 800; to provide 70 to 400 mg/head/day.	Monensin 10 to 40 to provide 0.14 to 0.42 mg monensin/lb of body weight, depending on severity of coccidiosis challenge, up to 480 mg/head/day.	Cattle fed in confinement for slaughter: As in paragraph (e)(2)(i) of this section; for prevention and control of coccidiosis due to *Eimeria bovis* and *E zuernii*.	Top dress ractopamine in a minimum of 1.0 lb of medicated feed during the last 28 to 42 days on feed. Not for animals intended for breeding. See § 558.355(d). Ractopamine as provided by Nos. 000986 or 054771 in § 510.600(c) of this chapter; monensin as provided by No. 000986 in § 510.600(c) of this chapter.	000986, 054771
(xiii) Not to exceed 800; to provide 70 to 400 mg/head/day.	Monensin 10 to 40 to provide 0.14 to 0.42 mg monensin/lb of body weight, depending on severity of coccidiosis challenge, up to 480 mg/head/day, plus tylosin 8 to 10.	Cattle fed in confinement for slaughter: As in paragraph (e)(2)(i) of this section; for prevention and control of coccidiosis due to *Eimeria bovis* and *E zuernii;* and for reduction of incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Arcanobacterium* (*Actinomyces*) *pyogenes*.	Top dress ractopamine in a minimum of 1.0 lb of medicated feed during the last 28 to 42 days on feed. Not for animals intended for breeding. See §§ 558.355(d) and 558.625(c). Ractopamine and monensin as provided by No. 000986 with tylosin as provided by Nos. 000986 or 016592 in § 510.600(c) of this chapter; or ractopamine as provided by No. 054771 with monensin and tylosin as provided by No. 000986 in § 510.600(c) of this chapter.	000986, 016592, 054771

* * * * *

■ 11. In § 558.550, revise the last sentence in paragraph (d)(1)(xxii)(B) to read as follows:

§ 558.550 Salinomycin.

* * * * *

(d) * * *

(1) * * *

(xxii) * * *

(B) * * * Salinomycin as provided by Nos. 016592 and 054771; tylosin phosphate as provided by Nos. 000986 and 016592 in § 510.600(c) of this chapter.

* * * * *

Dated: August 21, 2014.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2014–20325 Filed 9–5–14; 8:45 am]

BILLING CODE 4164–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2010–21 and CP2010–36]

Update to Product Lists

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is updating the product lists. This action reflects a publication policy adopted in a recent Commission order. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The product lists, which are republished in their entirety, include these updates.

DATES: *Effective Date:* September 8, 2014.

Applicability Dates: See the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6800.

SUPPLEMENTARY INFORMATION: This document identifies updates to the product lists, which appear as Appendix A to Subpart A of 39 CFR Part 3020—Mail Classification Schedule. Publication of updated product lists in the **Federal Register** is addressed in the Postal Accountability and Enhancement Act (PAEA) of 2006.

Applicability Dates: July 6, 2012, First-Class Package Service Contract 8 (MC2012–27 and CP2012–36); July 20, 2012, Transfer of Parcel Post to the Competitive Product List (MC2012–13); July 25, 2012, Parcel Select Contract 3 (MC2012–32 and CP2012–40); July 25, 2012, Parcel Select Contract 4 (MC2012–33 and CP2012–41); July 25, 2012, Parcel Select Contract 5 (MC2012–34 and CP2012–42); July 31, 2012, First-Class Package Service Contract 10 (MC2012–35 and CP2012–43); August 16, 2012, Priority Mail Contract 39 (MC2012–37 and CP2012–45); August 20, 2012, Priority Mail Contract 40 (MC2012–38 and CP2012–46); August 20, 2012, Priority Mail Contract 41 (MC2012–39 and CP2012–47); August 23, 2012, First-Class Package Service Contract 11 (MC2012–40 and CP2012–48); August 23, 2012, First-Class Package Service Contract 12 (MC2012–41 and CP2012–49); August 23, 2012, Valassis NSA (MC2012–14 and R2012–8); August 29, 2012, First-Class Package Service Contract 13 (MC2012–42 and CP2012–50); August 29, 2012, First-Class Package Service Contract 14 (MC2012–43 and CP2012–51); August 31, 2012, First-Class Package Service Contract 15 (MC2012–45 and CP2012–53); September 7, 2012, Every Door Direct Mail-Retail to the Product List (MC2012–31); September 10, 2012, Transfer of Outbound Single-Piece First-Class Mail International Packages and Rolls (MC2012–44); September 21, 2012, Express Mail, Priority Mail & First-Class Package Service Contract 1 (MC2012–46 and CP2012–55); September 24, 2012, Priority Mail Contract 42 (MC2012–47 and CP2012–57); September 24, 2012, Priority Mail Contract 43 (MC2012–48 and CP2012–58); October 19, 2012, Priority Mail Contract 44 (MC2013–2 and CP2013–2); October 26, 2012, Priority Mail Contract 45 (MC2013–4 and CP2013–4); October 26, 2012, Priority Mail & First-Class Package Service Contract 1 (MC2013–5 and CP2013–5); November 2, 2012, Priority Mail Contract 46 (MC2013–6 and CP2013–6); November 2, 2012, Priority Mail Contract 47 (MC2013–7 and CP2013–7); November 2, 2012, First-Class Package Service Contract 21 (MC2013–8 and CP2013–8); November 2, 2012, First-Class Package Service Contract 22 (MC2013–9 and CP2013–9); November 2, 2012, First-Class Package Service Contract 23 (MC2013–10 and CP2013–10); November 2, 2012, First-Class Package Service Contract 24 (MC2013–11 and CP2013–11); November 8, 2012, First-Class Package Service Contract 25 (MC2013–12 and CP2013–12); November 8, 2012, Parcel Select Contract 6 (MC2013–13 and CP2013–13); November 19, 2012, First-Class Package Service Contract 26 (MC2013–15 and CP2013–14); November 19, 2012, Priority Mail Contract 48 (MC2013–16 and CP2013–15); November 30, 2012, First-Class Package Service Contract 27 (MC2013–17 and CP2013–16); November 30, 2012, First-Class Package Service Contract 28 (MC2013–18 and CP2013–17); November 30, 2012, First-Class Package Service Contract 29 (MC2013–19 and CP2013–18); November 30, 2012, First-Class Package Service Contract 30 (MC2013–20 and CP2013–19); December 28, 2012, First-Class Package Service Contract 31 (MC2013–21 and CP2013–29); December 28, 2012, First-Class Package Service Contract 32 (MC2013–22 and CP2013–30); December 28, 2012, First-Class Package Service Contract 34 (MC2013–24 and CP2013–32); December 28, 2012, First-Class Package Service Contract 33 (MC2013–23 and CP2013–31); January 2, 2013, Priority Mail Contract 49 (MC2013–25 and CP2013–33); January 2, 2013, Priority Mail Contract 50, (MC2013–26 and CP2013–34); January 16, 2013, Global Expedited Package Services Contracts Non-Published Rates 4 (MC2013–27 and CP2013–35); January 24, 2013, Priority Mail Contract 51 (MC2013–31 and CP2013–40); January 25, 2013, Express Mail Contract 13 (MC2013–32 and CP2013–41); February 4, 2013, Priority Mail Contract 52 (MC2013–35 and CP2013–46); February 4, 2013, Express Mail & Priority Mail Contract 13 (MC2013–34 and CP2013–45); February 8, 2013, Priority Mail Contract 53 (MC2013–36 and CP2013–47); February 11, 2013, Express Mail & Priority Mail Contract 12 (MC2013–33 and CP2013–44); February 11, 2013, Priority Mail Contract 54 (MC2013–37 and CP2013–48); February 19, 2013, Removal of Confirm Service from the Market-Dominant Product List (MC2013–38); March 1, 2013, Parcel Return Service Contract 3 (MC2013–39 and CP2013–51); March 7, 2013, Express Mail Contract 14 (MC2013–41 and CP2013–53); March 11, 2013, Priority Mail Contract 55 (MC2013–40 and CP2013–52); April 9, 2013, Priority Mail Contract 56 (MC2013–42 and CP2013–55); April 9, 2013, Priority Mail Contract 57 (MC2013–43 and CP2013–56); May 8, 2013, Parcel Return Service Contract 4 (MC2013–46 and CP2013–60); May 9, 2013, Priority Mail Contract 58 (MC2013–47 and CP2013–61); May 23, 2013, Express Mail Contract 15 (MC2013–50 and CP2013–63); June 13, 2013, Global Reseller Expedited Package Contracts 2 (MC2013–51 and CP2013–64); June 24, 2013, Priority Mail Contract 59 (MC2013–52 and CP2013–66); July 8, 2013, Priority Mail Contract 60 (MC2013–54 and CP2013–70); July 19, 2013, Priority Mail International Regional Rate Boxes Non-Published Rates Contracts (MC2013–53 and CP2013–69); July 23, 2013, Priority Mail Contract 62 (MC2013–56 and CP2013–74); July 24, 2013, Priority Mail Contract 61 (MC2013–55 and CP2013–73); August 12, 2013, Market Test of Experimental Product-International Merchandise Return Service Non-Published Rates (MT2013–2); August 30, 2013, Inbound International Expedited Services 2 (CP2013–77), September 11, 2013, Priority Mail Express & Priority Mail Contract 14 (MC2013–58 and CP2013–79); September 11, 2013, Parcel Select Contract 7 (MC2013–59 and CP2013–80). September 30, 2013, Priority Mail Contract 63 (MC2013–61 and CP2013–81); October 17, 2013, Priority Mail Contract 64 (MC2013–62 and CP2013–82); October 23, 2013, Priority Mail Contract 65 (MC2013–63 and CP2013–83); October 29, 2013, Parcel Select & Parcel Return Service Contract 5 (MC2014–1 and CP2014–1); November 1, 2013, Parcel Return Service Contract 5 (MC2014–4 and CP2014–4); November

5, 2013, Priority Mail Contract 66 (MC2014–2 and CP2014–2); November 7, 2013, Global Reseller Expedited Package Contracts 3 (MC2013–64 and CP2013–84); November 7, 2013, Priority Mail Express & Priority Mail Contract 15 (MC2014–3 and CP2014–3); December 2, 2013, Priority Mail Contract 68 (MC2014–6 and CP2014–7); December 2, 2013, Priority Mail Contract 69 (MC2014–7 and CP2014–8); December 3, 2013, Priority Mail Contract 67 (MC2014–5 and CP2014–6); December 3, 2013, Priority Mail Contract 70 (MC2014–8 and CP2014–9); December 19, 2013, Priority Mail Contract 71 (MC2014–9 and CP2014–10); December 19, 2013, Priority Mail Contract 72 (MC2014–10 and CP2014–11); December 20, 2013, Notice of Market Dominant Price Adjustment for Alternate Postage Payment Method (R2014–1); January 2, 2014, Priority Mail Express Contract 16 (MC2014–12 and CP2014–16); January 6, 2014, Priority Mail Express Contract 17 (MC2014–13 and CP2014–17); January 9, 2014, Priority Mail Contract 73 (MC2014–11 and CP2014–15); January 13, 2014, Priority Mail Contract 74 (MC2014–15 and CP2014–24); January 24, 2014, First-Class Package Service Contract 35 (MC2014–14 and CP2014–23); January 27, 2014, Priority Mail Contract 76 (MC2014–17 and CP2014–26); January 28, 2014, Priority Mail Contract 75 (MC2014–16 and CP2014–25); March 7, 2014, Priority Mail Contract 77 (MC2014–18 and CP2014–31); March 11, 2014, Priority Mail Contract 78 (MC2014–19 and CP2014–32); March 11, 2014, Priority Mail Contract 79 (MC2014–20 and CP2014–33); March 27, 2014, Priority Mail Express, Priority Mail & First-Class Package Service Contract 2 (MC2014–22 and CP2014–37); April 16, 2014, Priority Mail Contract 80 (MC2014–23 and CP2014–38); April 30, 2014, Priority Mail Contract 81 (MC2014–24 and CP2014–47); May 1, 2014, Priority Mail Express Contract 18 (MC2014–25 and CP2014–48); June 19, 2014 (Market Dominant Product Prices PHI Acquisitions, Inc. (MC2014–21 and R2014–6); June 27, 2014, Priority Mail Express, Priority Mail & First-Class Package Service Contract 3 (MC2014–27 and CP2014–53); July 11, 2014, Priority Mail Contract 82 (MC2014–29 and CP2014–54); July 16, 2014, Priority Mail Contract 83 (MC2014–31 and CP2014–56); July 21, 2014, First-Class Package Service Contract 36 (MC2014–32 and CP2014–57); August 1, 2014, Priority Mail Contract 86 (MC2014–35 and CP2014–61); August 1, 2014, Priority Mail Contract 88 (MC2014–37 and CP2014–63); August 4, 2014, Priority Mail Contract 85 (MC2014–34 and CP2014–60); August 4, 2014, Priority Mail Contract 87 (MC2014–36 and CP2014–62); August 4, 2014, Priority Mail Contract 84 (MC2014–33 and CP2014–59); August 8, 2014, Addition of Gift Cards Price Category to Greeting Cards and Stationery Product (MC2014–26); August 19, 2014, Transferring Inbound Surface Parcel Post (At UPU) Rates) (MC2014–28); August 25, 2014, Global Reseller Expedited Package Contracts 4 (MC2014–38 and CP2014–67); August 27, 2014, Priority Mail Contact 90 (MC2014–40 and CP2014–73) . Additionally, Negotiated Service Agreements that have expired prior to December 31, 2013 have been removed from the product lists.

Authorization. The Commission process for periodic publication of updates was established in Docket Nos. MC2010–21 and CP2010–36, Order No. 445, April 22, 2010, at 8.

Changes. The product lists are being updated by publishing a replacement in its entirety of Appendix A to Subpart A of 39 CFR Part 3020—Mail Classification Schedule. This update includes changes to the product lists specified in Notice of Update to Product Lists filed on September 20, 2013 and Notice of Update to Product Lists filed on September 2, 2014. Additionally, Negotiated Service Agreements that expired prior to December 31, 2013 have been removed from the product lists.

1. First-Class Package Service Contract 8 (MC2012–27 and CP2012–36) (Order No. 1394), added July 6, 2012.

2. Transfer of Parcel Post to the Competitive Product List (MC2012–13) (Order No. 1411), added July 20, 2012.

3. Parcel Select Contract 3 (MC2012–32 and CP2012–40) (Order No. 1414), added July 25, 2012.

4. Parcel Select Contract 4 (MC2012–33 and CP2012–41) (Order No. 1415), added July 25, 2012.

5. Parcel Select Contract 5 (MC2012–34 and CP2012–42) (Order No. 1416), added July 25, 2012.

6. First-Class Package Service Contract 10 (MC2012–35 and CP2012–43) (Order No. 1419), added July 31, 2012.

7. Priority Mail Contract 39 (MC2012–37 and CP2012–45) (Order No. 1434) added August 16, 2012.

8. Priority Mail Contract 40 (MC2012–38 and CP2012–46) (Order No. 1444), added August 20, 2012.

9. Priority Mail Contract 41 (MC2012–39 and CP2012–47) (Order No. 1445), added August 20, 2012.

10. First-Class Package Service Contract 11 (MC2012–40 and CP2012–48) (Order No. 1446), added August 23, 2012.

11. First-Class Package Service Contract 12 (MC2012–41 and CP2012–49) (Order No. 1447), added August 23, 2012.

12. Valassis NSA (MC2012–14 and R2012–8) (Order No. 1448), added August 23, 2012.

13. First-Class Package Service Contract 13 (MC2012–42 and CP2012–50) (Order No. 1452), added August 29, 2012.

14. First-Class Package Service Contract 14 (MC2012–43 and CP2012–51) (Order No. 1453), added August 29, 2012.

15. First-Class Package Service Contract 15 (MC2012–45 and CP2012–53) (Order No. 1457), added August 31, 2012.

16. Every Door Direct Mail-Retail to the Product List (MC2012–31) (Order No. 1460), added September 7, 2012.

17. Transfer of Outbound Single-Piece First-Class Mail International Packages and Rolls (MC2012–44) (Order No. 1461), transferred September 10, 2012.

18. Express Mail, Priority Mail & First-Class Package Service Contract 1 (MC2012–46 and CP2012–55) (Order No. 1474), added September 21, 2012.

19. Priority Mail Contract 42 (MC2012–47 and CP2012–57) (Order No. 1475), added September 24, 2012.

20. Priority Mail Contract 43 (MC2012–48 and CP2012–58) (Order No. 1476), added September 24, 2012.

21. Priority Mail Contract 44 (MC2013–2 and CP2013–2) (Order No. 1508), added October 19, 2012.

22. Priority Mail Contract 45 (MC2013–4 and CP2013–4) (Order No. 1518) added October 26, 2012.

23. Priority Mail & First-Class Package Service Contract 1 (MC2013–5 and CP2013–5) (Order No. 1519) added October 26, 2012.

24. Priority Mail Contract 46 (MC2013–6 and CP2013–6) (Order No. 1524) added November 2, 2012.

25. Priority Mail Contract 47 (MC2013–7 and CP2013–7) (Order No. 1525) added November 2, 2012.

26. First-Class Package Service Contract 21 (MC2013–8 and CP2013–8) (Order No. 1526) added November 2, 2012.

27. First-Class Package Service Contract 22 (MC2013–9 and CP2013–9) (Order No. 1527) added November 2, 2012.

28. First-Class Package Service Contract 23 (MC2013–10 and CP2013–10) (Order No. 1528) added November 2, 2012.

29. First-Class Package Service Contract 24 (MC2013–11 and CP2013–11) (Order No. 1529) added November 2, 2012.

30. First-Class Package Service Contract 25 (MC2013–12 and CP2013–12) (Order No. 1537) added November 8, 2012.
31. Parcel Select Contract 6 (MC2013–13 and CP2013–13) (Order No. 1538) added November 8, 2012.
32. First-Class Package Service Contract 26 (MC2013–15 and CP2013–14) (Order No. 1547) added November 19, 2012.
33. Priority Mail Contract 48 (MC2013–16 and CP2013–15) (Order No. 1548) added November 19, 2012.
34. First-Class Package Service Contract 27 (MC2013–17 and CP2013–16) (Order No. 1558) added November 30, 2012.
35. First-Class Package Service Contract 28 (MC2013–18 and CP2013–17) (Order No. 1559) added November 30, 2012.
36. First-Class Package Service Contract 29 (MC2013–19 and CP2013–18) (Order No. 1560) added November 30, 2012.
37. First-Class Package Service Contract 30 (MC2013–20 and CP2013–19) (Order No. 1561) added November 30, 2012.
38. First-Class Package Service Contract 31 (MC2013–21 and CP2013–29) (Order No. 1603) added December 28, 2012.
39. First-Class Package Service Contract 32 (MC2013–22 and CP2013–30) (Order No. 1604) added December 28, 2012.
40. First-Class Package Service Contract 34 (MC2013–24 and CP2013–32) (Order No. 1605) added December 28, 2012.
41. First-Class Package Service Contract 33 (MC2013–23 and CP2013–31) (Order No. 1606) added December 28, 2012.
42. Priority Mail Contract 49 (MC2013–25 and CP2013–33) (Order No. 1607) added January 2, 2013.
43. Priority Mail Contract 50 (MC2013–26 and CP2013–34) (Order No. 1608) added January 2, 2013.
44. Global Expedited Package Services Contracts Non-Published Rates 4 (MC2013–27 and CP2013–35) (Order No. 1625) added January 16, 2013.
45. Priority Mail Contract 51 (MC2013–31 and CP2013–40) (Order No. 1632) added January 24, 2013.
46. Express Mail Contract 13 (MC2013–32 and CP2013–41) (Order No. 1640) added January 25, 2013.
47. Priority Mail Contract 52 (MC2013–35 and CP2013–46) (Order No. 1646) added February 4, 2013.
48. Express Mail & Priority Mail Contract 13 (MC2013–34 and CP2013–45) (Order No. 1647) added February 4, 2013.
49. Priority Mail Contract 53 (MC2013–36 and CP2013–47) (Order No. 1650) added February 8, 2013.
50. Express Mail & Priority Mail Contract 12 (MC2013–33 and CP2013–44) (Order No. 1652) added February 11, 2013.
51. Priority Mail Contract 54 (MC2013–37 and CP2013–48) (Order No. 1653) added February 11, 2013.
52. Removal of Confirm Service from the Market-Dominant Product List (MC2013–38) (Order No. 1664) removed February 19, 2013.
53. Parcel Return Service Contract 3 (MC2013–39 and CP2013–51) (Order No. 1672) added March 1, 2013.
54. Express Mail Contract 14 (MC2013–41 and CP2013–53) (Order No. 1673) added March 7, 2013.
55. Priority Mail Contract 55 (MC2013–40 and CP2013–52) (Order No. 1675) added March 11, 2013.
56. Priority Mail Contract 56 (MC2013–42 and CP2013–55) (Order No. 1695) added April 9, 2013.
57. Priority Mail Contract 57 (MC2013–43 and CP2013–56) (Order No. 1696) added April 9, 2013.
58. Parcel Return Service Contract 4 (MC2013–46 and CP2013–60) (Order No. 1711) added May 8, 2013.
59. Priority Mail Contract 58 (MC2013–47 and CP2013–61) (Order No. 1712) added May 9, 2013.
60. Express Mail Contract 15 (MC2013–50 and CP2013–63) (Order No. 1729) added May 23, 2013.
61. Global Reseller Expedited Package Contracts 2 (MC2013–51 and CP2013–64) (Order No. 1746) added June 13, 2013.
62. Priority Mail Contract 59 (MC2013–52 and CP2013–66) (Order No. 1759) added June 24, 2013.
63. Priority Mail Contract 60 (MC2013–54 and CP2013–70) (Order No. 1773) added July 8, 2013.
64. Priority Mail International Regional Rate Boxes Non-Published Rates Contracts (MC2013–53 and CP2013–69) (Order No. 1783) added July 19, 2013.
65. Priority Mail Contract 62 (MC2013–56 and CP2013–74) (Order No. 1784) added July 23, 2013.
66. Priority Mail Contract 61 (MC2013–55 and CP2013–73) (Order No. 1790) added July 24, 2013.
67. Market Test of Experimental Product-International Merchandise Return Service Non-Published Rates (MT2013–2) (Order No. 1806) added August 12, 2013.
68. Inbound International Expedited Services 2 (MC2009–10) (CP2013–77) (Order No. 1822) added August 30, 2013.
69. Priority Mail Express & Priority Mail Contract 14 (MC2013–58 and CP2013–79) (Order No. 1831) added September 11, 2013.
70. Parcel Select Contract 7 (MC2013–59 and CP2013–80) (Order No. 1832) added September 11, 2013.
71. Priority Mail Contract 63 (MC2013–61 and CP2013–81) (Order No. 1846), added September 30, 2013.
72. Priority Mail Contract 64 (MC2013–62 and CP2013–82) (Order No. 1848), added October 17, 2013.
73. Priority Mail Contract 65 (MC2013–63 and CP2013–83) (Order No. 1854), added October 23, 2013.
74. Parcel Select and Parcel Return Service Contract 5 (MC2014–1 and CP2014–1) (Order No. 1863), added October 29, 2013.
75. Parcel Return Service Contract 5 (MC2014–4 and CP2014–4) (Order No. 1867), added November 1, 2013.
76. Priority Mail Contract 66 (MC2014–2 and CP2014–2) (Order No. 1869), added November 5, 2013.
77. Global Reseller Expedited Package Contracts 3 (MC2013–64 and CP2013–84) (Order No. 1870), added November 7, 2013.
78. Priority Mail Express & Priority Mail Contract 15 (MC2014–3 and CP2014–3) (Order No. 1872), added November 7, 2013.
79. Priority Mail Contract 68 (MC2014–6 and CP2014–7) (Order No. 1893), added December 2, 2013.
80. Priority Mail Contract 69 (MC2014–7 and CP2014–8) (Order No. 1895), added December 2, 2013.
81. Priority Mail Contract 67 (MC2014–5 and CP2014–6) (Order No. 1896), added December 3, 2013.
82. Priority Mail Contract 70 (MC2014–8 and CP2014–9) (Order No. 1897), added December 3, 2013.
83. Priority Mail Contract 71 (MC2014–9 and CP2014–10) (Order No. 1914), added December 19, 2013.
84. Priority Mail Contract 72 (MC2014–10 and CP2014–11) (Order No. 1915), added December 19, 2013.
85. Notice of Market Dominant Price Adjustment for Alternate Postage Payment Method (R2014–1) (Order No. 1917), changed December 20, 2013.
86. Priority Mail Express Contract 16 (MC2014–12 and CP2014–16) (Order No. 1941), added January 2, 2014.
87. Priority Mail Express Contract 17 (MC2014–13 and CP2014–17) (Order No. 1947), added January 6, 2014.
88. Priority Mail Contract 73 (MC2014–11 and CP2014–15) (Order No. 1949), added January 9, 2014.
89. Priority Mail Contract 74 (MC2014–15 and CP2014–24) (Order No. 1960), added January 13, 2014.
90. First-Class Package Service Contract 35 (MC2014–14 and CP2014–23) (Order No. 1975), added January 24, 2014.

91. Priority Mail Contract 76 (MC2014–17 and CP2014–26) (Order No. 1978), added January 27, 2014.

92. Priority Mail Contract 75 (MC2014–16 and CP2014–25) (Order No. 1979), added January 28, 2014.

93. Priority Mail Contract 77 (MC2014–18 and CP2014–31) (Order No. 2010), added March 7, 2014.

94. Priority Mail Contract 78 (MC2014–19 and CP2014–32) (Order No. 2015), added March 11, 2014.

95. Priority Mail Contract 79 (MC2014–20 and CP2014–33) (Order No. 2016), added March 11, 2014.

96. Priority Mail Express, Priority Mail & First-Class Package Service Contract 2 (MC2014–22 and CP2014–37) (Order No. 2034), added March 27, 2014.

97. Priority Mail Contract 80 (MC2014–23 and CP2014–38) (Order No. 2056), added April 16, 2014.

98. Priority Mail Contract 81 (MC2014–24 and CP2014–47) (Order No. 2071), added April 30, 2014.

99. Priority Mail Express Contract 18 (MC2014–25 and CP2014–48) (Order No. 2072), added May 1, 2014.

100. Market Dominant Product Prices PHI Acquisitions, Inc. (MC2014–21 and R2014–6) (Order No. 2097), added June 19, 2014.

101. Priority Mail Express, Priority Mail & First-Class Package Service Contract 3 (MC2014–27 and CP2014–53) (Order No. 2106), added June 27, 2014.

102. Priority Mail Contract 82 (MC2014–29 and CP2014–54) (Order No. 2119), added July 11, 2014.

103. Priority Mail Contract 83 (MC2014–31 and CP2014–56) (Order No. 2126), added July 16, 2014.

104. First-Class Package Service Contract 36 (MC2014–32 and CP2014–57) (Order No. 2128), added July 21, 2014.

105. Priority Mail Contract 86 (MC2014–35 and CP2014–61) (Order No. 2138), added August 1, 2014.

106. Priority Mail Contract 88 (MC2014–37 and CP2014–63) (Order No. 2139), added August 1, 2014.

107. Priority Mail Contract 85 (MC2014–34 and CP2014–60) (Order No. 2141), added August 4, 2014.

108. Priority Mail Contract 87 (MC2014–36 and CP2014–62) (Order No. 2142), added August 4, 2014.

109. Priority Mail Contract 84 (MC2014–33 and CP2014–59) (Order No. 2143), added August 4, 2014.

110. Addition of Gift Cards Price Category to Greeting Cards and Stationery Product (MC2014–26) (Order No. 2145), added August 8, 2014.

111. Transferring Inbound Surface Parcel Post (At UPU Rates) (MC2014–28) (Order No. 2160), transferred August 19, 2014.

112. Global Reseller Expedited Package Contracts 4 (MC2014–38 and CP2014–67) (Order No. 2170), added August 25, 2014.

113. Priority Mail Contract 90 (MC2014–40 and CP2014–73) (Order No. 2172), added August 27, 2014.

Updated product list. The referenced changes to the product lists are incorporated into Appendix A to Subpart A of 39 CFR Part 3020—Mail Classification Schedule.

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A to Subpart A of Part 3020—Mail Classification Schedule to read as follows:

Appendix A to Subpart A of Part 3020—Mail Classification Schedule

(An asterisk (*) indicates an organizational group, not a Postal Service product.)

Part A—Market Dominant Products

1000 Market Dominant Product List

First-Class Mail*
- Single-Piece Letters/Postcards
- Presorted Letters/Postcards
- Flats
- Parcels
- Outbound Single-Piece First-Class Mail International
- Inbound Letter Post

Standard Mail (Commercial and Nonprofit)*
- High Density and Saturation Letters
- High Density and Saturation Flats/Parcels
- Carrier Route
- Letters
- Flats
- Parcels
- Every Door Direct Mail—Retail

Periodicals*
- In-County Periodicals
- Outside County Periodicals

Package Services*
- Alaska Bypass Service
- Bound Printed Matter Flats
- Bound Printed Matter Parcels
- Media Mail/Library Mail

Special Services*
- Ancillary Services
- International Ancillary Services
- Address Management Services
- Caller Service
- Credit Card Authentication
- International Reply Coupon Service
- International Business Reply Mail Service
- Money Orders
- Post Office Box Service
- Customized Postage
- Stamp Fulfillment Services

Negotiated Service Agreements*
- Domestic*
- Discover Financial Services 1
- Valassis Direct Mail, Inc. Negotiated Service Agreement
- PHI Acquisitions, Inc. Negotiated Service Agreement
- International*
- Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators
- Inbound Market Dominant Exprés Service Agreement 1

Nonpostal Services*
- Alliances with the Private Sector to Defray Cost of Key Postal Functions
- Philatelic Sales

Market Tests*

Part B—Competitive Products

2000 Competitive Product List

Domestic Products*
- Priority Mail Express
- Priority Mail
- Parcel Select
- Parcel Return Service
- First-Class Package Service
- Market Tests*
- Standard Post

International Products*
- Outbound International Expedited Services
- Inbound Parcel Post (at UPU rates)
- Outbound Priority Mail International
- International Priority Airmail (IPA)
- International Surface Air List (ISAL)
- International Direct Sacks—M-Bags
- Outbound Single-Piece First-Class Package International Service

Negotiated Service Agreements*
- Domestic*
- Priority Mail Express Contract 8
- Priority Mail Express Contract 10
- Priority Mail Express Contract 11
- Priority Mail Express Contract 12
- Priority Mail Express Contract 13
- Priority Mail Express Contract 14
- Priority Mail Express Contract 15
- Priority Mail Express Contract 16
- Priority Mail Express Contract 17
- Priority Mail Express Contract 18
- Parcel Return Service Contract 3
- Parcel Return Service Contract 4
- Parcel Return Service Contract 5
- Priority Mail Contract 24
- Priority Mail Contract 29
- Priority Mail Contract 31
- Priority Mail Contract 32
- Priority Mail Contract 33
- Priority Mail Contract 34
- Priority Mail Contract 35
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Priority Mail Contract 90
Priority Mail Express & Priority Mail Contract 9
Priority Mail Express & Priority Mail Contract 10
Priority Mail Express & Priority Mail Contract 11
Priority Mail Express & Priority Mail Contract 12
Priority Mail Express & Priority Mail Contract 13
Priority Mail Express & Priority Mail Contract 14
Priority Mail Express & Priority Mail Contract 15
Parcel Select & Parcel Return Service Contract 3
Parcel Select & Parcel Return Service Contract 5
Parcel Select Contract 1
Parcel Select Contract 2
Parcel Select Contract 3
Parcel Select Contract 4
Parcel Select Contract 5
Parcel Select Contract 6
Parcel Select Contract 7
Priority Mail—Non-Published Rates
Priority Mail—Non-Published Rates 1
First-Class Package Service Contract 1
First-Class Package Service Contract 3
First-Class Package Service Contract 4
First-Class Package Service Contract 5
First-Class Package Service Contract 6
First-Class Package Service Contract 7
First-Class Package Service Contract 8
First-Class Package Service Contract 9
First-Class Package Service Contract 10
First-Class Package Service Contract 11
First-Class Package Service Contract 12
First-Class Package Service Contract 13
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First-Class Package Service Contract 30
First-Class Package Service Contract 31
First-Class Package Service Contract 32
First-Class Package Service Contract 33
First-Class Package Service Contract 34
First-Class Package Service Contract 35
First-Class Package Service Contract 36
Priority Mail Express, Priority Mail & First-Class Package Service Contract 1
Priority Mail Express, Priority Mail & First-Class Package Service Contract 2
Priority Mail Express, Priority Mail & First-Class Package Service Contract 3
Priority Mail & First-Class Package Service Contract 1

Outbound International*
Global Expedited Package Services (GEPS) Contracts GEPS 3
Global Direct Contracts
Global Direct Contracts 1
Global Bulk Economy (GBE) Contracts
Global Plus Contracts
Global Plus 1C
Global Plus 2C
Global Reseller Expedited Package Contracts
Global Reseller Expedited Package Services 1
Global Reseller Expedited Package Services 2
Global Reseller Expedited Package Services 3
Global Reseller Expedited Package Services 4
Global Expedited Package Services (GEPS)—Non-Published Rates
Global Expedited Package Services (GEPS)—Non-Published Rates 2
Global Expedited Package Services (GEPS)—Non-Published Rates 3
Global Expedited Package Services (GEPS)—Non-Published Rates 4
Priority Mail International Regional Rate Boxes—Non-Published Rates

Inbound International*
International Business Reply Service (IBRS) Competitive Contracts
International Business Reply Service Competitive Contract 1
International Business Reply Service Competitive Contract 3
Inbound Direct Entry Contracts with Customers
Inbound Direct Entry Contracts with Foreign Postal Administrations
Inbound Direct Entry Contracts with Foreign Postal Administrations
Inbound Direct Entry Contracts with Foreign Postal Administrations 1
Inbound EMS
Inbound EMS 2
Inbound Air Parcel Post (at non-UPU rates)
Royal Mail Group Inbound Air Parcel Post Agreement
Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1

Special Services*
Address Enhancement Services
Greeting Cards, Gift Cards, and Stationery
International Ancillary Services
International Money Transfer Service—Outbound
International Money Transfer Service—Inbound
Premium Forwarding Service
Shipping and Mailing Supplies
Post Office Box Service
Competitive Ancillary Services

Nonpostal Services*
Advertising
Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP)
Mail Service Promotion
Officially Licensed Retail Products (OLRP)
Passport Photo Service
Photocopying Service
Rental, Leasing, Licensing or other Non-Sale Disposition of Tangible Property
Training Facilities and Related Services
USPS Electronic Postmark (EPM) Program

Market Tests*
Metro Post
International Merchandise Return Service (IMRS)—Non-Published Rates

Shoshana M. Grove,
Secretary.

[FR Doc. 2014–21228 Filed 9–5–14; 8:45 am]
BILLING CODE 7710–FW–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 14–66; RM–11689; DA 14–1222]

Radio Broadcasting Services; Custer, Michigan

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Roy E. Henderson, substitutes FM Channel 260A for FM Channel 263A as the vacant allotment at Custer, Michigan. Channel 260A can be allotted at Custer, consistent with the minimum distance separation requirements of the Commission's rules, at coordinates 43–58–16 NL and 86–19–42 WL. The Government of Canada has concurred in the allotment of Channel 260A at Custer, Michigan, which is required because Custer is located within 320

kilometers (199 miles) of the U.S.-Canadian border. *See* **SUPPLEMENTARY INFORMATION** *infra.*

DATES: Effective October 6, 2014.

FOR FURTHER INFORMATION CONTACT: Deborah Dupont, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 14–66; DA 14–1222, adopted August 21, 2014, and released August 22, 2014. The full text of this document is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text of this document also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC, 20554, (800) 378–3160, or via the company's Web site, *http://www.bcpiweb.com/.* This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Chief, Audio Division, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336 and 339.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 263A at Custer and by adding Channel 260A at Custer.

[FR Doc. 2014–21327 Filed 9–5–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130312235–3658–02]

RIN 0648–XD389

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2014 Commercial Accountability Measure and Closure for South Atlantic Vermilion Snapper

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the commercial sector for vermilion snapper in the exclusive economic zone (EEZ) of the South Atlantic. Commercial landings for vermilion snapper, as estimated by the Science Research Director (SRD), are projected to reach the commercial annual catch limit (ACL) for the July 1 through December 31, 2014, fishing period on September 12, 2014. Therefore, NMFS closes the commercial sector for vermilion snapper in the South Atlantic EEZ on September 12, 2014, and it will remain closed until the start of the January 1 through June 30, 2015, fishing period. This closure is necessary to protect the vermilion snapper resource.

DATES: This rule is effective 12:01 a.m., local time, September 12, 2014, until 12:01 a.m., local time, January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, telephone: 727–824–5305, email: *Catherine.Hayslip@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes vermilion snapper and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial ACL (commercial quota) for vermilion snapper in the South Atlantic is divided into two, 6-month time periods, and is 401,874 lb (182,287 kg), gutted weight; 446,080 lb (202,338 kg), round weight, for the current fishing period, July 1 through December 31, 2014, as specified in 50 CFR 622.190(a)(4)(ii)(B).

In accordance with regulations at 50 CFR 622.193(f)(1), NMFS is required to close the commercial sector for vermilion snapper when its commercial ACL (commercial quota) for that portion of the fishing year applicable to the respective commercial ACL (commercial quota) has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial ACL (commercial quota) for South Atlantic vermilion snapper for the July–December fishing period will have been reached by September 12, 2014. Accordingly, the commercial sector for South Atlantic vermilion snapper is closed effective 12:01 a.m., local time, September 12, 2014, until 12:01 a.m., local time, January 1, 2015. The commercial ACL (commercial quota) for vermilion snapper in the South Atlantic is 394,829 lb (179,091 kg), gutted weight; 438,260 lb (198,791 kg), round weight, for the January 1 through June 30, 2015, fishing period, as specified in 50 CFR 622.190(a)(4)(i)(C).

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having vermilion snapper onboard must have landed and bartered, traded, or sold such vermilion snapper prior to 12:01 a.m., local time, September 12, 2014. During the closure, the bag limit specified in 50 CFR 622.187(b)(5) and possession limits specified in 50 CFR 622.187(c)(1), applies to all harvest or possession of vermilion snapper in or from the South Atlantic EEZ. During the commercial closure, the sale or purchase of vermilion snapper taken from the EEZ is prohibited. As specified in 50 CFR 622.190(c)(1)(i), the prohibition on sale or purchase does not apply to the sale or purchase of vermilion snapper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, September 12, 2014, and were held in cold storage by a dealer or processor. For a person on board a vessel for which a Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the sale and purchase provisions of the commercial closure for vermilion snapper would apply regardless of whether the fish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1)(ii).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act, the FMP, and other applicable laws.

The temporary rule has been determined to be not significant for purposes of Executive Order 12866.

This action is taken under 50 CFR 622.193(f)(1) and is exempt from review under Executive Order 12866.

This action responds to the best available scientific information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds that the need to immediately implement this action to close the commercial sector for vermilion snapper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect vermilion snapper since the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment would require time and would likely result in a harvest well in excess of the established commercial ACL (commercial quota).

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 3, 2014.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–21346 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 79, No. 173

Monday, September 8, 2014

DEPARTMENT OF JUSTICE

28 CFR Part 36

[CRT Docket No. 126; AG Order No. 3462–2014]

RIN 1190–AA63

Nondiscrimination on the Basis of Disability by Public Accommodations—Movie Theaters; Movie Captioning and Audio Description

AGENCY: Civil Rights Division, Department of Justice.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On August 1, 2014, the Department of Justice published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** in order to propose amendments to its Americans with Disabilities Act title III regulation to require the provision of closed movie captioning and audio description to give persons with hearing and vision disabilities access to movies. The comment period is scheduled to close on September 30, 2014. The Department of Justice is extending the comment period until December 1, 2014 in order to provide additional time for the public to prepare comments.

DATES: For the proposed rule published on August 1, 2014 (79 FR 44976), the comment period is extended. All comments must be received by December 1, 2014.

ADDRESSES: Submit electronic comments and other data identified by RIN 1190–AA63, by any one of the following methods:

- *Federal eRulemaking Web site* at *http://www.regulations.gov/#!docketDetail;D=DOJ-CRT-2014-0004.* Follow the Web site's instructions for submitting comments.
- *Regular U.S. mail:* Disability Rights Section, Civil Rights Division, U.S. Department of Justice, P.O. Box 2885, Fairfax, VA 22031–0885.
- *Overnight, courier, or hand delivery:* Disability Rights Section, Civil Rights Division, U.S. Department of Justice, 1425 New York Avenue NW., Suite 4039, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Zita Johnson-Betts, Deputy Section Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, at (202) 307–0663 (voice or TTY). This is not a toll-free number. Information may also be obtained from the Department's toll-free ADA Information Line at (800) 514–0301 (voice) or (800) 514–0383 (TTY).

You may obtain copies of this document in alternative formats by calling the ADA Information Line at (800) 514–0301 (voice) and (800) 514–0383 (TTY). This notice is also available on the Department's Web site at *http://www.ada.gov.*

SUPPLEMENTARY INFORMATION:

Extension of Comment Period

The Department of Justice published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on August 1, 2014, proposing amendments to its Americans with Disabilities Act title III regulation to require the provision of closed movie captioning and audio description in order to give persons with hearing and vision disabilities access to movies. The NPRM asked 21 multi-part questions, seeking public comment on a wide range of issues related to the proposed requirements, as well as the Department's analysis of the costs and benefits of the proposed rule. Following publication of the NPRM, the Department received a request to extend the deadline for public comment by an additional 60 days, citing the number and complexity of the data requests on a broad range of topics and the resulting need for additional time in order to provide an informed response to the Department's questions. The Department has decided to grant an extension of the comment period until December 1, 2014. The Department believes this extension provides ample time to allow interested parties to provide comments on this proposed rule. Comments on the NPRM may be provided by December 1, 2014 online at *http://www.regulations.gov/#!docketDetail;D=DOJ-CRT-2014-0004* or by mail at P.O. Box 2885, Fairfax, VA 22031–0885.

Dated: September 2, 2014.

Eric H. Holder, Jr.,

Attorney General.

[FR Doc. 2014–21285 Filed 9–5–14; 8:45 am]

BILLING CODE 4410–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900–AO70

Loan Guaranty—Specially Adapted Housing Assistive Technology Grant Program

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to implement through regulation statutory authority to provide grants for the development of new assistive technologies for use in specially adapted housing for eligible veterans or servicemembers, as authorized by the Veterans' Benefits Act of 2010 (the Act), enacted on October 13, 2010. The Act authorizes VA to provide grants of up to $200,000 per fiscal year to persons or entities to encourage the development of specially adapted housing assistive technologies. VA is amending its regulations to outline the process, the criteria, and the priorities relating to the award of these research and development grants.

DATES: Comments must be received by VA on or before November 7, 2014.

ADDRESSES: Written comments may be submitted through *http://www.Regulations.gov;* by mail or hand-delivery to: Director, Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AO70-Loan Guaranty—Specially Adapted Housing Assistive Technology Grant Program.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1068, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4923 for an appointment (this is not a toll-free number). In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Bell III, Assistant Director for Loan Policy and Valuation (262), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–8786. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Public Law 111–275, the Veterans' Benefits Act of 2010 (the Act), was enacted on October 13, 2010. Section 203 of the Act amended chapter 21, title 38, United States Code, to establish the Specially Adapted Housing Assistive Technology Grant Program. Veterans' Benefits Act of 2010, Public Law 111–275, § 203, 124 Stat. 2874 (2010). The Act authorizes VA to provide grants of up to $200,000 per fiscal year, through September 30, 2016, to a ''person or entity'' for the development of specially adapted housing assistive technologies and limits to $1 million the aggregate amount of such grants VA may award in any fiscal year. Id. VA is publishing these proposed regulations to outline the process, the criteria, and the priorities relating to the award of these research and development grants.

The Specially Adapted Housing (SAH) Grant Program is administered by the Loan Guaranty Service (LGY) of the Veterans Benefits Administration (VBA). Through the SAH program, LGY provides grants to servicemembers and veterans with certain service-connected disabilities to help purchase or construct an adapted home, or modify an existing home to allow them to live more independently. Currently, most SAH adaptations involve structural modifications such as ramps, wider halls and doorways, and lower countertops.

Pursuant to the authority established by the Act, VA is proposing to amend its regulations to implement a new grant program to encourage the development of specially adapted housing assistive technologies. As proposed, § 36.4412(a)(1) and (2) would state that the Secretary will make grants for the development of new assistive technologies for specially adapted housing and that a person or entity may apply for such grants. Proposed § 36.4412(a)(3) would also require that the new grant program be administered in a manner as consistent as possible with part 200 of title 2 of the Code of Federal Regulations (CFR). Part 200 is where the Office of Management and Budget (OMB) has issued regulatory guidance to Federal agencies that provide grant awards to non-Federal entities, that is, to States, local governments, Indian tribes, institutions of higher education, or non-profit organizations that carry out a Federal award as recipient or subrecipient. See 2 CFR 200.69. The part broadly outlines pre-award requirements on agencies and applicants, as well as post-award requirements related to financial and program management, property standards, procurement standards, reports and records, and standards on termination and enforcement. The part also sets forth after-the-award requirements related to closeout, subsequent adjustments, continuing responsibilities, and collections of amounts due.

Since the new program would also be open to individuals and private entities, some of the applicants will not meet the definition of non-Federal entity or recipient, as defined under part 200, and certain provisions of part 200 may not be applicable to all applicants in this technology grant program. Where the Secretary determines a provision is not applicable or where the Secretary determines that additional requirements are necessary due to the uniqueness of a situation, the Secretary would apply the same standard applicable to exceptions under 2 CFR 200.102.

Although part 200 does not define the term exception, § 200.102 is clear that an exception can relax an existing requirement or make additional, more restrictive requirements on a participant. Section 200.102 requires that if an exception is more restrictive on a certain class of participants than that which is otherwise provided in part 200, VA must receive approval from OMB. If an exception is less restrictive than what is provided in part 200, § 200.102 authorizes VA to grant the exception on a case-by-case basis. It is impossible to anticipate every way in which the Secretary can or should exercise oversight authority. The purpose of this provision is to ensure that a loophole in a regulation does not unduly hinder the Secretary's ability to protect the public interest or prevent private individuals or organizations from participating because of technicalities related to oversight.

The regulation would also include proposed paragraph (b) covering the definitions applicable to the SAH technology grant. The definitions found at 38 CFR 36.4401 would be incorporated by reference. New definitions for ''technology grant applicant'' and ''new assistive technology'' would be added, but they would not be relevant to the types of SAH grants that are provided directly to veterans. They would solely be limited to the SAH technology grant.

The new definitions would provide who may apply for an SAH technology grant and the type of product that would have to be developed using SAH technology grant funds. House Report 111–109 stated that the ''research and development community is diverse, ranging from single-person inventors to large corporations and academic institutions.'' H.R. Rep. No. 111–109, at 3 (2009). Accordingly, for the purpose of determining who may apply to this grant program, VA would define ''technology grant applicant'' to include a person or entity that applies for a grant pursuant to 38 U.S.C. 2108 and 38 CFR 36.4412 to develop new assistive technology or technologies for specially adapted housing. House Report 111–109 also explained that there are many emerging technologies that could improve home adaptions or otherwise enhance a veteran or servicemember's ability to live independently, such as voice-recognition and voice-command operations, living environment controls, and adaptive feeding equipment. Id. Therefore, VA is proposing to define ''new assistive technology'' as an advancement that the Secretary determines could aid or enhance the ability of an eligible individual, as defined in 38 CFR 36.4401, to live in an adapted home.

Proposed paragraph (c) would provide that, as funds are made available for the program, VA would publish in the **Federal Register** a Notice of Funds Availability (NoFA), soliciting applications for the grant program and information on applications. Upon publication of a NoFA, a technology grant applicant seeking a grant under this section would submit an application to the Secretary via *www.Grants.gov,* as required under proposed paragraph (d). Applications would include: (1) Standard Form 424 (Application for Federal Assistance) with the box labeled ''application'' marked; (2) a certification that the applicant has not been debarred or suspended and is eligible to participate in the VA grant process and receive Federal funds; (3) statements addressing the scoring criteria; and (4) any additional information as deemed appropriate by VA.

Under proposed paragraph (e), the NoFA would set forth the full and specific procedural requirements for assistive technology grant applicants, such as whether the grant cycle would be limited to applications submitted during a particular timeframe or if applications would be accepted on a rolling basis.

Under proposed paragraph (f), the Secretary would establish the specific scoring criteria used to evaluate all technology grant applications received by VA. The scoring criteria and the maximum amount of points available are as follows:

(i) A description of how the new assistive technology is innovative (up to 50 points);

(ii) An explanation of how the new assistive technology will meet a specific, unmet need among eligible individuals (up to 50 points);

(iii) An explanation of how the new assistive technology is specifically designed to promote the ability of eligible individuals to live more independently (up to 30 points);

(iv) A description of the new assistive technology's concept, size, and scope (up to 30 points);

(v) An implementation plan with major milestones for bringing the new assistive technology into production and to the market. Such milestones must be meaningful and achievable within a specific timeframe (up to 30 points); and

(vi) An explanation of what uniquely positions the technology grant applicant in the marketplace. This can include a focus on characteristics such as the economic reliability of the technology grant applicant, the technology grant applicant's status as a minority or veteran-owned business, or other characteristics that the technology grant applicant wants to include to show how it will help protect the interests of, or further the mission of, VA and the program (up to 20 points).

As provided, each scoring criterion would be capped at a maximum number of points. Although VA would not set a maximum aggregate score possible, an application would have to receive 70 points or more to be considered for an award. If an application does not score a minimum of 70 points, VA would not consider it for an award, even if it means an award cannot be made during a particular grant cycle. VA believes the scoring framework would allow the Secretary to make awards based on priorities of veterans and VA, while also ensuring that taxpayer funds are used responsibly.

The actual number of points received would not be based solely on the technology grant applicant's responses, but also on a number of variables such as specific needs of veterans and servicemembers, number of technology grant applicants, type of technology grant applicants, the availability of funds, and other factors related to VA's mission of serving veterans. VA would explain scoring priorities in the published NoFA so that technology grant applicants have the opportunity to tailor their responses accordingly. The change in priorities would not introduce new scoring criteria. It would merely help technology grant applicants understand how the scores will be weighted.

To illustrate: VA might emphasize in one grant cycle the need for innovation, and as a result, explain in the NoFA that innovation will be a top priority. A technology grant applicant would then know to concentrate on how innovative its product would be. In reviewing the application, the Secretary might award all 50 allowable points to the technology grant applicant who best satisfies that criterion. In the next grant cycle, the Secretary might determine that a particular need has gone unmet among eligible individuals who are adapting their homes. The Secretary might choose to place more emphasis on meeting that need than on general innovation. As a result, the published NoFA for that grant cycle would explain the Secretary's new priorities. A technology grant applicant would then know that its application would have more success if it were to focus on how the product would meet the need. When reviewing applications, the Secretary could choose to award all 50 points for that criterion, while only scoring the most innovative product 30 points.

As shown, proposed paragraph (f) would provide technology grant applicants all the substantive information necessary for meeting VA requirements. Meanwhile, it would allow VA to adapt to veterans' needs and to the marketplace without requiring a new regulatory change each time a new grant cycle is introduced.

Proposed paragraph (g) would state that deadlines for program applications would be established in the NoFA. Proposed paragraph (h) would also note that decisions for awarding technology grants would be made in accordance with the guidelines (covering such issues as timing and method of notification) described in the NoFA. The Secretary would provide written approvals, denials, or requests for additional information. As part of the annual program report to Congress required by the Act, VA would conduct periodic audits of all approved grants under this program to ensure that the actual project size and scope are consistent with those outlined in the proposal and that established milestones are achieved. Such audits would be consistent with the requirements under 2 CFR part 200.

Proposed paragraph (i) would also include a new delegation of authority specific to the technology grant program. Currently, 38 CFR 36.4409 authorizes certain VA employees to act on behalf of the Secretary with respect to assisting eligible individuals in acquiring specially adapted housing. This delegation does not extend to the technology grant program. Therefore, VA proposes that the VA officials who would be authorized to exercise the powers and functions of the Secretary with respect to providing assistance under 38 U.S.C. 2108 would be as follows: (a) Under Secretary for Benefits, (b) Deputy Under Secretary for Economic Development, (c) Director, Loan Guaranty Service, and (d) Deputy Director, Loan Guaranty Service.

Finally, we would note in proposed paragraph (j) that the technology grant is not a veterans' benefit and, therefore, is not subject to the same rights of appeal as an adjudication of benefits. See 38 U.S.C. 7104(a). Moreover, although VA would provide technology grant applicants with as much information and assistance as possible, the Secretary does not have a duty to assist technology grant applicants in obtaining a grant. See 38 U.S.C. 5103A(a).

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a "significant regulatory action," requiring review by OMB, as "any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this proposed rule have been examined, and it has been determined to be a significant regulatory action under Executive Order 12866 because it is likely to result in a rule that may raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Orders 12866 or 13563. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www1.va.gov/orpm/,* by following the link for ''VA Regulations Published.''

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. There would be no significant economic impact on any small entities because grant applicants are not required to provide matching funds to receive the maximum grant amount of $200,000. The assistive technology grant program would not impact a substantial number of small entities because VA may only award a maximum of $1 million in aggregate grant funds per fiscal year, and VA's authority to award these grants expires September 30, 2016. On this basis, the Secretary certifies that the adoption of this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, under 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

This proposed rule includes provisions constituting collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) that require approval by OMB. Accordingly, under 44 U.S.C. 3507(d), VA has submitted a copy of this rulemaking action to OMB for review.

OMB assigns control numbers to collections of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Proposed 38 CFR 36.4412(d) contains a collection of information under the Paperwork Reduction Act of 1995. If OMB does not approve the collection of information as requested, VA will immediately remove the provisions containing a collection of information or take such other action as is directed by OMB.

Comments on the collections of information contained in this proposed rule should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies sent by mail or hand delivery to the Director, Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; fax to (202) 273–9026; email to *www.Regulations.gov.* Comments should indicate that they are submitted in response to ''RIN 2900–AO70.''

OMB is required to make a decision concerning the collections of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed rule.

The Department considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The new collection of information contained in 38 CFR 36.4412(d) is described immediately following this paragraph, under its title.

Title: Applicant Scoring Criteria and Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion.

- *Summary of collection of information:* The new collection of information in proposed 38 CFR 36.4412(d) would require applicants for an SAH Assistive Technology grant to submit VA Form 26–0967, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion,'' and to provide statements addressing the scoring criteria for grant awards. VA Form 26–0967 is currently pending OMB approval. Additionally, 38 CFR 36.4412(d) contains an existing information collection that is currently approved by OMB and has been assigned OMB control number 4040–0004.
- *Description of need for information and proposed use of information:* Section 2108 of Title 38 of the United States Code states that a person or entity seeking an SAH technology grant shall submit an application for the grant in such form and manner as the Secretary shall specify. VA is specifying in regulation that the information provided under this collection of information is necessary for a complete SAH Assistive Technology grant application. The information will be used by Loan Guaranty personnel in deciding whether an applicant meets the requirements and satisfies the scoring criteria for award of an SAH Assistive Technology grant under 38 U.S.C. 2108.
- *Description of likely respondents:* Respondents will likely include non-Federal entities, private entities, and individuals who choose to submit applications for an SAH Assistive Technology grant.
- *Estimated number of respondents:* 20 in Fiscal Year (FY) 2015; 20 in FY 2016.
- *Estimated frequency of responses:* This is a one-time collection.
- *Estimated average burden per response:* 120 minutes.
- *Estimated total annual reporting and recordkeeping burden:* 40 hours in FY 2015; 40 hours in FY 2016.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program numbers and titles for the programs affected by this document are 64.106, Specially Adapted Housing for Disabled Veterans and 64.118, Veterans Housing—Direct Loans for Certain Disabled Veterans.

Signing Authority

The Acting Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved this document on August 15, 2014, for publication.

List of Subjects in 38 CFR Part 36

Condominiums, Housing, Indians, Individuals with disabilities, Loan programs—housing and community development, Loan programs—Indians, Loan programs—veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

Dated: September 2, 2014.

Robert C. McFetridge,

Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

For the reasons set out in the preamble, VA proposes to amend 38 CFR part 36, subpart C to read as follows:

PART 36—LOAN GUARANTY

Subpart C—Assistance to Eligible Individuals in Acquiring Specially Adapted Housing

■ 1. The authority citation for part 36, subpart C continues to read as follows:

Authority: 38 U.S.C. 501 and as otherwise noted.

■ 2. Add § 36.4412 to read as follows:

§ 36.4412 Specially Adapted Housing Assistive Technology Grant Program.

(a) *General.* (1) The Secretary will make grants for the development of new assistive technologies for specially adapted housing.

(2) A person or entity may apply for, and receive, a grant pursuant to this section.

(3)(i) All technology grant recipients, including individuals and entities formed as for-profit entities, will be subject to the rules on Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and other Non-profit Organizations, as found at 2 CFR Part 200.

(ii) Where the Secretary determines that 2 CFR Part 200 is not applicable or where the Secretary determines that additional requirements are necessary due to the uniqueness of a situation, the Secretary will apply the same standard applicable to exceptions under 2 CFR 200.102.

(b) *Definitions.* To supplement the definitions contained in § 36.4401, the following terms are herein defined for purposes of this section:

(1) A *technology grant applicant* is a person or entity that applies for a grant pursuant to 38 U.S.C. 2108 and this section to develop new assistive technology or technologies for specially adapted housing.

(2) A *new assistive technology* is an advancement that the Secretary determines could aid or enhance the ability of an eligible individual, as defined in 38 CFR 36.4401, to live in an adapted home.

(c) *Grant application solicitation.* As funds are available for the program, VA will publish in the **Federal Register** a Notice of Funds Availability (NoFA), soliciting applications for the grant program and providing information on applications.

(d) *Application process and requirements.* Upon publication of the NoFA, a technology grant applicant must submit an application to the Secretary via *www.Grants.gov.* Applications must consist of the following:

(1) Standard Form 424 (Application for Federal Assistance) with the box labeled ''application'' marked;

(2) VA Form 26–0967 (Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion) to ensure that the technology grant applicant has not been debarred or suspended and is eligible to participate in the VA grant process and receive Federal funds;

(3) Statements addressing the scoring criteria in 38 CFR 36.4412(f); and

(4) Any additional information as deemed appropriate by VA.

(e) *Threshold requirements.* The NoFA will set out the full and specific procedural requirements for technology grant applicants.

(f) *Scoring criteria.* (1) The Secretary will score technology grant applications based on the scoring criteria in paragraph (f)(2) of this section. Although there is not a cap on the maximum aggregate score possible, a technology grant application must receive a minimum aggregate score of 70 points to be considered for a technology grant.

(2) The scoring criteria and maximum points are as follows:

(i) A description of how the new assistive technology is innovative (up to 50 points);

(ii) An explanation of how the new assistive technology will meet a specific, unmet need among eligible individuals (up to 50 points);

(iii) An explanation of how the new assistive technology is specifically designed to promote the ability of eligible individuals to live more independently (up to 30 points);

(iv) A description of the new assistive technology's concept, size, and scope (up to 30 points);

(v) An implementation plan with major milestones for bringing the new assistive technology into production and to the market. Such milestones must be meaningful and achievable within a specific timeframe (up to 30 points); and

(vi) An explanation of what uniquely positions the technology grant applicant in the marketplace. This can include a focus on characteristics such as the economic reliability of the technology grant applicant, the technology grant applicant's status as a minority or veteran-owned business, or other characteristics that the technology grant applicant wants to include to show how it will help protect the interests of, or further the mission of, VA and the program (up to 20 points).

(g) *Application deadlines.* Deadlines for technology grant applications will be established in the NoFA.

(h) *Awards process.* Decisions for awarding technology grants under this section will be made in accordance with guidelines (covering such issues as timing and method of notification) described in the NoFA. The Secretary will provide written approvals, denials, or requests for additional information. The Secretary will conduct periodic audits of all approved grants under this program to ensure that the actual project size and scope are consistent with those outlined in the proposal and that established milestones are achieved.

(i) *Delegation of authority.* (1) Each VA employee appointed to or lawfully fulfilling any of the following positions is hereby delegated authority, within the limitations and conditions prescribed by law, to exercise the powers and functions of the Secretary with respect to the grant program authorized by 38 U.S.C. 2108:

(i) Under Secretary for Benefits.

(ii) Deputy Under Secretary for Economic Development.

(iii) Director, Loan Guaranty Service.

(iv) Deputy Director, Loan Guaranty Service.

(2) [Reserved]

(j) *Miscellaneous.* (1) The grant offered by this chapter is not a veterans' benefit. As such, the decisions of the Secretary are final and not subject to the same appeal rights as decisions related to veterans' benefits.

(2) The Secretary does not have a duty to assist technology grant applicants in obtaining a grant.

(Authority: 38 U.S.C. 2108)

(The Office of Management and Budget has approved the information collection requirements in this section that are within the scope of control number 4040–0004. The additional information collection requirements have been submitted to OMB and are pending OMB approval.)

[FR Doc. 2014–21138 Filed 9–5–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Chapters II, III, IV, V, and VI

RIN 0648–XD411

Plan for Periodic Review of Regulations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of regulatory review; request for comments.

SUMMARY: The Regulatory Flexibility Act (RFA) requires that NMFS periodically review existing regulations that have a significant economic impact on a substantial number of small entities, such as small businesses, small organizations, and small governmental jurisdictions. This plan describes how NMFS will perform this review and describes the regulations that are being proposed for review during the current review cycle.

DATES: Written comments must be received by NMFS by October 8, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0106, by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0106,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Chris Wright, National Marine Fisheries Service, NOAA, Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD 20910 (mark outside of envelope ''Comments on 610 Review'').
- Fax: 301–713–1193; Attn: Chris Wright.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Chris Wright, (301) 427–8504.

SUPPLEMENTARY INFORMATION:

Background

The RFA, 5 U.S.C. 601, requires that Federal agencies take into account how their regulations affect ''small entities,'' including small businesses, small Governmental jurisdictions and small organizations. For regulations proposed after January 1, 1981, the agency must either prepare a Regulatory Flexibility Analysis or certify that the regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Section 602 requires that NMFS issue an Agenda of Regulations identifying rules the Agency is developing that are likely to have a significant economic impact on a substantial number of small entities.

Section 610 of the RFA requires Federal agencies to review existing regulations. It requires that NMFS publish a plan in the **Federal Register** explaining how it will review its existing regulations which have or will have a significant economic impact on a substantial number of small entities. Regulations that become effective after January 1, 1981, must be reviewed within 10 years of the publication date of the final rule. Section 610(c) requires that NMFS annually publish a list of final rules it will review during the succeeding 12 months in the **Federal Register**. The list must describe, explain the need for, and provide the legal basis for the rule, as well as invite public comment on the rule.

Criteria for Review of Existing Regulations

The purpose of the review is to determine whether existing rules should be left unchanged, or whether they should be revised or rescinded in order to minimize significant economic impacts on a substantial number of small entities, consistent with the objectives of other applicable statutes. In deciding whether change is necessary, the RFA establishes five factors that NMFS must consider:

(1) Whether the rule is still needed;

(2) What type of complaints or comments were received concerning the rule from the public;

(3) The complexity of the rule;

(4) How much the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) How long it has been since the rule has been evaluated or how much the technology, economic conditions, or other factors have changed in the area affected by the rule.

Plan for Periodic Review of Rules

NMFS will ensure that all rules for which a Final Regulatory Flexibility Analysis was prepared are reviewed within 10 years of the year in which they were originally issued. By December 31, 2014, NMFS will review the following rules issued during 2007 and 2008:

1. Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures. RIN 0648–AT65 (72 FR 4211; January 30, 2007). NMFS issued a final rule implementing the 2007 specifications and management measures for Atlantic mackerel, squid, and butterfish, and modified existing management measures. Specifically, it implemented trimester quota allocations for the *Loligo* squid fishery and established the protocol for an inseason adjustment to increase the mackerel harvest, if landings approach harvest limits. Lastly, the final rule clarified, updated, and corrected existing regulatory language that was misleading or incorrect. The action promoted the utilization and conservation of the resource.

2. Atlantic Highly Migratory Species; Atlantic Commercial Shark Management

Measures; Gear Operation and Deployment; Complementary Closures. RIN 0648–AT37 (72 FR 5633; February 7, 2007). NMFS issued a final rule implementing additional handling, release, and disentanglement requirements for sea turtles and other non-target species caught in the commercial shark bottom longline fishery. These requirements increased the amount of handling, release, and disentanglement gear that are required to be on bottom longline vessels and were intended to reduce post hooking mortality of sea turtles and other non-target species consistent with the Highly Migratory Species (HMS) Fishery Management Plan (FMP). This final rule also implemented management measures, consistent with those recommended by the Caribbean Fishery Management Council and implemented by NMFS on October 28, 2005, that prohibit vessels issued HMS permits with bottom longline gear onboard from fishing in six distinct areas off the U.S. Virgin Islands and Puerto Rico, year-round. These six closures were intended to minimize adverse impacts to Essential Fish Habitat (EFH) for reef-dwelling species.

3. South Pacific Tuna Fisheries. RIN 0648–AP61 (72 FR 6144; February 9, 2007). NMFS issued a final rule that revised regulations implementing the South Pacific Tuna Act of 1988, as amended, to reflect the changes agreed to in the Third Extension of the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America and its annexes, schedules, and implementing agreements, as amended (Treaty). New provisions under the Treaty related to vessel monitoring system (VMS) requirements, vessel reporting requirements, area restrictions for U.S. purse seine vessels fishing under the Treaty, and allowing U.S. longline vessels to fish on the high seas portion of the Treaty Area. These actions were intended to bring the United States into compliance with its obligations under the Treaty.

4. Fisheries in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii Shallow-set Longline Fishery. RIN 0648–AU99 (72 FR 8289; February 26, 2007). NMFS issued a final rule to permanently remove the 7-day delay in effectiveness when closing the Hawaii based shallow-set longline fishery as a result of reaching interaction limits for sea turtles. This final rule allows for an immediate closure of the fishery to enhance protection for sea turtles.

5. Fisheries of the Northeastern United States; Atlantic Herring Fishery; Amendment 1. RIN 0648–AQ87 (72 FR 11252; March 12, 2007). NMFS issued a final rule implementing approved measures contained in Amendment 1 to the Atlantic Herring FMP, developed by the New England Fishery Management Council. Amendment 1 established a limited access program. Amendment 1 also included the following measures: An open access incidental catch permit; a change in the management area boundaries; establishment of a purse seine/fixed gear-only area; establishment of a maximum sustainable yield proxy; an approach to determining the distribution of area-specific Total Allowable Catches; a multi-year specifications process; a research quota set-aside for herring-related research; a set-aside for fixed gear fisheries; a change in the mid-water trawl gear definition; and additional measures that could be implemented through the framework adjustment process. Also, NMFS informed the public of the approval by the Office of Management and Budget (OMB) of the collection-of information requirements contained in the final rule and published the OMB control numbers for these collections.

6. Fish and Seafood Promotion Act Provisions; Seafood Marketing Councils. RIN 0648–AS09 (72 FR 18105; April 11, 2007). NMFS issued a final rule in response to renewed fishing industry support for marketing and promotion-related activities. The rule enacted regulations implementing the Fish and Seafood Promotion Act of 1986 for the establishment, organization, and operation of Seafood Marketing Councils. Council marketing and promotion plans were to be designed to increase the general demand for fish and fish products by encouraging, expanding, and improving the marketing and utilization of fish and fish products both in domestic or foreign markets, through consumer education, research, and other marketing and promotion activities. The intent of this rule was to increase benefits from domestic fisheries while maintaining consistency with NMFS' stewardship goals and mission statement.

7. Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut. RIN 0648–AV47 (72 FR 30714; June 4, 2007). NMFS issued a final rule to restrict the harvest of halibut by persons fishing on a guided sport charter vessel in International Pacific Halibut Commission Regulatory Area 2C. The current sport fishing catch or bag limit of two halibut per day was changed for a person sport fishing on a charter vessel in Area 2C. The final rule required at least one of the two fish taken in a day to be no more than 32 inches (81.3 cm) in length. This regulatory change was necessary to reduce the halibut harvest in the charter vessel sector while minimizing negative impacts on this sector, its sport fishing clients, and the coastal communities that serve as home ports for the fishery. The intended effect of this action was a reduction in the poundage of halibut harvested by the guided sport charter vessel sector in Area 2C.

8. Atlantic HMS; U.S. Atlantic Swordfish Fishery Management Measures. RIN 0648–AU86 (72 FR 31688, June 7, 2007). NMFS issued a final rule to amend regulations governing the North Atlantic swordfish fishery to provide additional opportunities for U.S. vessels to more fully utilize the U.S. North Atlantic swordfish quota, in recognition of the improved stock status of the species. The U.S. North Atlantic swordfish quota is derived from the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and is implemented under the authority of the MSA and the Atlantic Tunas Convention Act. For several years prior to the rule, the United States did not fully harvest its available North Atlantic swordfish quota. This final rule increased swordfish retention limits for Incidental swordfish permit holders, and modified recreational swordfish retention limits for HMS Charter/Headboat and Angling category permit holders. It also modified HMS limited access vessel upgrading restrictions for vessels concurrently issued certain HMS permits. These actions were necessary to address persistent under-harvest of the domestic North Atlantic swordfish quota, while continuing to minimize bycatch to the extent practicable, so that swordfish are harvested in a sustainable, yet economically viable manner.

9. Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program. RIN 0648–AU58 (72 FR 32559; June 13, 2007). NMFS issued a final rule to amend regulations implementing the North Pacific Groundfish Observer Program. This action was necessary to avoid expiration of these regulations on December 31, 2007, and ensure uninterrupted observer coverage in North Pacific groundfish fisheries. This action was intended to promote the goals and objectives of the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area and the FMP for Groundfish of the Gulf of Alaska.

10. Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 13. RIN 0648–AV39 (72 FR 32549; June 13, 2007).

NMFS issued a final rule to implement Amendment 13 to the Atlantic Sea Scallop FMP. Amendment 13 was developed by the New England Fishery Management Council to permanently re-activate the industry funded observer program in the Scallop FMP through a scallop total allowable catch and days-at-sea (DAS) set-a-side program that helps vessel owners defray the cost of carrying observers. The following observer program management measures were implemented by this rule: Requirements for becoming an approved observer service provider; observer certification and decertification criteria; and notification requirements for vessel owners and/or operators. This action also required scallop vessel owners, operators, or vessel managers to procure certified fishery observers for specified scallop fishing trips from an approved observer service provider. Additionally, this action allowed adjustments to the observer program to be done through framework action.

11. Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan. RIN 0648–AU90 (72 FR 34632; June 25, 2007). NMFS issued a final rule to revise regulations implementing the Atlantic Large Whale Take Reduction Plan by expanding the Southeast U.S. Restricted Area and modifying regulations pertaining to gillnetting within the Southeast U.S. Restricted Area. NMFS prohibits gillnet fishing or gillnet possession during annual restricted periods associated with the right whale calving season. Limited exemptions to the fishing prohibitions are provided for gillnet fishing for sharks and for Spanish mackerel south of 29°00′ N. lat. An exemption to the possession prohibition is provided for transiting through the area if gear is stowed in accordance with this final rule. This action was required to meet the goals of the Marine Mammal Protection Act and the Endangered Species Act (ESA). This action was necessary to protect northern right whales from serious injury or mortality from entanglement in gillnet gear in their calving area in Atlantic Ocean waters off the Southeast U.S.

12. Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program. RIN 0648–AV13 (72 FR 36896; July 6, 2007). NMFS issued a final rule to amend regulations supporting the North Pacific Groundfish Observer Program. This action was necessary to revise requirements for the facilitation of observer data transmission and improve inseason support for observers. This action promoted the goals and objectives of the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area and the FMP for Groundfish of the Gulf of Alaska.

13. Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Gulf of Alaska Fishery Resources. RIN 0648–AT71 (72 FR 37678; July 11, 2007). NMFS issued this final rule for the Central Gulf of Alaska rockfish fisheries to revise monitoring and enforcement provisions related to catcher/processor vessels harvesting under the opt-out fishery, and to make changes to regulations governing the rockfish fisheries. This action was necessary to clarify procedures and to correct discrepancies in a November 20, 2006, final rule. This final rule was intended to promote the goals and objectives of the FMP for Groundfish of the Gulf of Alaska, the MSA, and other applicable law.

14. Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass FMP; Amendment 14. RIN 0648–AS22 (72 FR 40077; July 23, 2007). NMFS issued this final rule to implement Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass FMP developed by the Mid-Atlantic Fishery Management Council. The measures of Amendment 14 included a plan to rebuild the scup stock from an overfished condition to the level associated with maximum sustainable yield, as required by the MSA. This action allowed the regulations concerning the Gear Restricted Areas (GRAs) to be modified through framework adjustments to the FMP. The intended effect of this change was to improve the timing of developing and implementing modifications to the GRAs.

15. Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Fisheries; Regulatory Amendment to Reconcile State and Federal Commercial Fishing Vessel Permit Programs. RIN 0648–AU51 (72 FR 43188; August 3, 2007). NMFS issued this final rule to implement regulations to modify the permitting and vessel replacement provisions for Federal limited access permit programs of the Northeastern United States, excluding American lobster. This action was intended to prevent fishing effort beyond what is accounted for in the FMPs for each fishery and to reinforce efforts undertaken by state fishery management agencies at targeting regulations specifically for vessels that participate wholly in state water fisheries. These measures were necessary to meet the conservation and management requirements of the MSA.

16. Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Development Quota Program. RIN 0648–AS84 (72 FR 44795; August 9, 2007). NMFS issued this final rule to implement modifications to the Individual Fishing Quota (IFQ) Program for the fixed-gear commercial Pacific halibut fishery and sablefish fishery by revising regulations specific to those fisheries. This action was intended to improve the effectiveness of the Halibut and Sablefish IFQ Program and was necessary to promote the objectives of the MSA and the Northern Pacific Halibut Act of 1982 with respect to the IFQ fisheries.

17. Antarctic Marine Living Resources (AMLR); Centralized Vessel Monitoring System; Preapproval of Fresh Toothfish Imports; Customs Entry Number; Electronic Catch Documentation Scheme; Scientific Observers; Definitions; Seal Excluder Device; Information on Harvesting Vessels. RIN 0648–AS75 (72 FR 48496; August 23, 2007). NMFS issued this final rule implementing measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) to facilitate conservation and management of AMLR. This final rule required the use of the Centralized satellite-linked VMS by all U.S. vessels harvesting AMLR and made use of VMS by the harvesting vessel a condition of import for all U.S. dealers seeking to import shipments of toothfish (*Dissostichus*) into the United States. This final rule also exempted all shipments of fresh toothfish from the NMFS preapproval process and allowed importers of frozen toothfish to submit the U.S. Customs 7501 entry number subsequent to their initial application for preapproval. This final rule required the use of Electronic Catch Documents for all U.S. dealers seeking to import shipments of toothfish into the United States. Paper-based catch documents for toothfish will no longer be accepted. This final rule also required the use of a seal excluder device on krill vessels using trawl gear in the Area of the Convention for the Conservation of Antarctic Marine Living Resources. This final rule added or amended definitions of ''Antarctic marine living resources'', ''export,'' ''import,'' ''international observer,'' ''land or landing,'' ''mobile transceiver unit,'' ''national observer,'' ''Office for Law Enforcement,'' ''Port State,'' ''re-export,'' ''seal excluder device,'' ''transship or transshipment,'' and ''vessel monitoring system.'' This final rule also expanded the list of

requirements and prohibitions regarding scientific observers and clarified the duties and responsibilities of the observers on the vessels and of the vessel owners hosting the observers. This final rule identified new information on all vessels licensed by CCAMLR Members to harvest AMLR in the area identified in the Convention on the Conservation of Antarctic Marine Living Resources (Convention). The intent of this rule was to incorporate new conservation measures, to revise procedures to facilitate enforcement, and to fulfill U.S. obligations in CCAMLR.

18. Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Bering Sea and Aleutian Islands Management Area. RIN 0648–AU48 (72 FR 50788; September 4, 2007). NMFS issued a final rule to implement Amendment 85 to the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area as partially approved by NMFS, and to implement recent changes to the MSA. This final rule modified the current allocations of Bering Sea and Aleutian Islands management area (BSAI) Pacific cod total allowable catch among various harvest sectors and seasonal apportionments thereof, established a hierarchy for reallocating projected unharvested amounts of Pacific cod from certain sectors to other sectors, revised catcher/processor (CP) sector definitions, modified the management of Pacific cod incidental catch that occurs in other groundfish fisheries, eliminated the Pacific cod non-specified reserve, subdivided the annual prohibited species catch (PSC) limits currently apportioned to the Pacific cod hook-and-line gear fisheries between the catcher vessel and CP sectors, and modified the sideboard restrictions for American Fisheries Act CP vessels. In addition, this final rule increased the percentage of the BSAI Pacific cod total allowable catch apportioned to the Community Development Quota Program. The proposed rule for Amendment 85 included regulations that would have subdivided the annual PSC limits currently apportioned to the Pacific cod trawl fisheries among trawl sectors. However, NMFS disapproved these regulations. Therefore, this final rule did not subdivide the annual PSC limits for Pacific cod trawl fisheries among trawl sectors. This final rule was necessary to implement Amendment 85 and reduce uncertainty about the availability of yearly harvests within sectors caused by reallocations and maintain stability among sectors in the BSAI Pacific cod fishery. This final rule also was necessary to partially implement recent changes to the MSA that require a total allocation of 10.7 percent of the total allowable catch of each directed fishery to the Community Development Quota Program starting January 1, 2008. This final rule was intended to promote the goals and objectives of the MSA, the FMP, and other applicable laws.

19. Pacific Coast Groundfish Fishery. RIN 0648–AV46 (72 FR 50906; September 5, 2007). NMFS issued a final rule to establish catch accounting requirements for persons who receive, buy, or accept Pacific whiting deliveries of 4,000 pounds (lb.)(1.18 mt) or more from vessels using mid-water trawl gear during the Pacific whiting primary season for the shore-based sector. This action was intended to improve NMFS's ability to effectively monitor the Pacific whiting shoreside fishery such that catch of Pacific whiting and incidentally caught species, including overfished groundfish species, did not result in a species' optimum yield, harvest guideline, allocations, or bycatch limits being exceeded. This action was also intended to provide for timely reporting of Chinook salmon take as specified in the ESA Section 7 Biological Opinion for Chinook salmon catch in the Pacific groundfish fishery. This action was consistent with the conservation goals and objectives of the Pacific Coast Groundfish FMP.

20. Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Framework Adjustment 1. RIN 0648–AT62 (72 FR 51699; September 11, 2007). This final rule implemented Framework Adjustment 1 (FW 1) to the Atlantic Surfclam and Ocean Quahog FMP. FW 1 management measures were developed by the Mid-Atlantic Fishery Management Council and implemented a VMS requirement for vessels participating in the surfclam and ocean quahog fisheries. The VMS requirement replaced a telephone-based notification requirement necessary prior to departure on a surfclam or ocean quahog fishing trip and facilitated monitoring of closed areas and state/Federal jurisdictional boundaries. The intent of this action was to implement management measures that will improve the management and enforcement of regulations governing the Atlantic surfclam and ocean quahog fishery in the U.S. Exclusive Economic Zone.

21. Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea/Aleutian Islands Fishery Resources; American Fisheries Act Sideboards. RIN 0648–AU68 (72 FR 52668; September 14, 2007). NMFS issued a final rule to implement Amendment 80 to the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area. Amendment 80 (hereinafter the ''Program'') primarily allocated several BSAI non-pollock trawl groundfish fisheries among fishing sectors, and facilitated the formation of harvesting cooperatives in the non-American Fisheries Act trawl catcher/processor sector. The Program established a limited access privilege program for the non-American Fisheries Act trawl catcher/processor sector. This action was necessary to increase resource conservation and improve economic efficiency for harvesters who participate in the BSAI groundfish fisheries. This action was intended to promote the goals and objectives of the MSA, the FMP, and other applicable law.

22. Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 4. RIN 0648–AU34 (72 FR 53942; September 21, 2007). NMFS implemented management measures for the monkfish fishery approved in Framework Adjustment 4 to the Monkfish FMP. This framework eliminated the control rule for determining management measures established by Framework Adjustment 2 to the FMP, and established target total allowable catch levels, trip limits, and days-at-sea allocations for the final 3 years of the monkfish rebuilding plan. The intent of this action was to replace the Framework 2 control rule with measures consistent with the stock rebuilding goals established in the original FMP, and in accordance with MSA requirements. NMFS published this action as an interim final rule in order to provide the opportunity for additional public comment because the approval of Framework 4 was based, in part, on the consideration of the integrated monkfish stock assessment, which was not available during the original public comment period. This action also contained three changes to address incorrect cross-references or duplicate regulatory text.

23. Fishing Capacity Reduction Program for the Longline Catcher Processor Subsector of the Bering Sea and Aleutian Islands Non-pollock Groundfish Fishery, Industry Fee System. RIN 0648–AV66 (72 FR 54219; September 24, 2007). NMFS established regulations to implement an industry fee system for repaying a $35 million Federal loan financing a fishing capacity reduction program in the longline

catcher processor subsector of the Bering Sea and Aleutian Islands non-pollock groundfish fishery. This action implemented the fee collection system to ensure repayment of the loan.

24. Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery. RIN 0648–AU07 (72 FR 56935; October 5, 2007). NMFS amended the Federal American lobster (*Homarus americanus*) regulations to implement further minimum carapace length (gauge) increases, an escape vent size increase, and trap reductions in the offshore American lobster fishery, consistent with recommendations for Federal action made by the Atlantic States Marine Fisheries Commission and in support of the Commission's Interstate FMP for American Lobster.

25. Atlantic Highly Migratory Species; Atlantic Swordfish Quotas. RIN 0648–AV10 (72 FR 56929; October 5, 2007). This final rule amended the regulations governing the North and South Atlantic swordfish fisheries to implement two recommendations by the International Commission for the Conservation of Atlantic Tuna (Recommendations 06–02 and 06–03). These recommendations established baseline quotas for North and South Atlantic swordfish, respectively, and set caps on underharvest carryover. Additionally, recommendation 06–02 allows a contracting party (CPC) with a total allowable catch allocation to make a transfer within a fishing year of up to 15 percent of its baseline allocation to other CPCs with total allowable catch allocations, as long as the transfer is conducted in a manner that is consistent with domestic obligations and conservation considerations. This final rule transferred 15 percent of the North Atlantic swordfish baseline quota into the reserve category, which allows it to be transferred to other CPCs with total allowable catch allocations. In addition, this final rule modified the North and South Atlantic swordfish quotas for the 2006 fishing year to account for updated landings information from the 2004 and 2005 fishing years. Finally, this final rule included the option of an Internet Web site as an additional method for complying with the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category's 24-hour reporting requirement. Reporting was done by telephone only. This rule will remain in effect until ICCAT provides new recommendations for the U.S. swordfish fisheries.

26. Fisheries in the Western Pacific; Precious Corals Fisheries. RIN 0648–AT93 (72 FR 58259; October 15, 2007). Black coral resources in the Au'au Channel, Hawaii, have declined, possibly due to fishing pressure and an alien invasive soft coral. Fishing regulations required minimum sizes for the harvest of living black coral colonies of 48 inches (122 cm) in height or one inch (2.54 cm) in stem diameter. Regulations also exempted certain fishermen from the minimum stem diameter requirement, allowing the harvest of black coral with a smaller ¾ inch (1.91 cm) stem diameter by anyone who had reported black coral harvests to the State of Hawaii within the five years prior to April 17, 2002. This final rule removed that exemption to reduce the impacts of fishing on Au'Au Channel black coral resources.

27. Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Bycatch Management. RIN 0648–AU03 (72 FR 61070; October 29, 2007). NMFS amended regulations governing salmon bycatch in the Bering Sea and Aleutian Islands management area. This action was necessary to enhance the effectiveness of salmon bycatch measures by exempting pollock vessels from Chinook and Chum Salmon Savings Area closures if they participate in an intercooperative agreement (ICA) to reduce salmon bycatch, and exempting vessels participating in non-pollock trawl fisheries from Chum Salmon Savings Area closures because these fisheries intercept minimal amounts of salmon. This action was intended to promote the goals and objectives of the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area.

28. Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish, Crab, Salmon, and Scallop Fisheries of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska, Essential Fish Habitat Rule Correction. RIN 0648–AU93 (72 FR 63500; November 9, 2007). NMFS issued a final rule to correct regulations implementing EFH provisions for Alaska fisheries. This final rule clarified that portions of EFH management areas in the vicinity of the Aleutian Islands are located in State of Alaska waters. This rule also applied EFH VMS and closure requirements to federally permitted vessels operating in State waters adjacent to the Gulf of Alaska and Aleutian Islands subarea. This action was necessary to ensure that federally permitted vessels operating in State waters comply with EFH protection measures.

29. Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Vessel Monitoring System; Open Access Fishery. RIN 0648–AU08 (72 FR 69162; December 7, 2007). NMFS issued this final rule to require all vessels fishing pursuant to the harvest guidelines, quotas, and other management measures governing the open access groundfish fishery, and all trawl vessels to provide declaration reports and to activate and use a VMS transceiver while fishing off the coasts of Washington, Oregon and California. NMFS implemented a series of large-scale geographically-defined closed areas intended to: minimize the bycatch of overfished groundfish species, minimize the bycatch of protected salmon species, and protect EFH from harm through contact with fishing gear. This action was intended to improve the monitoring of compliance with those closed areas through regular VMS transmissions of vessel locations for those vessels subject to groundfish closed area restrictions.

30. Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish and Halibut Fisheries of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska, Seabird Avoidance Measures Revisions. RIN 0648–AV38 (72 FR 71601; December 18, 2007). NMFS issued a final rule that revised the seabird avoidance measures for the Alaska hook-and-line groundfish and halibut fisheries. The final rule strengthened gear standards for small vessels and eliminates certain seabird avoidance requirements that are not needed. This action was necessary to revise seabird avoidance measures based on the latest scientific information and to reduce unnecessary regulatory burdens and associated costs.

31. Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 20. RIN 0648–AV91 (72 FR 72626; December 21, 2007). NMFS issued this final rule to approve and implement measures contained in Framework Adjustment 20 (Framework 20) to the Atlantic Sea Scallop FMP. This action maintained the trip allocations and possession limits established by the interim measures that were enacted by NMFS on June 21, 2007, for the Elephant Trunk Access Area (ETAA) in 2007 to reduce the potential for overfishing the Atlantic sea scallop (scallop) resource and excessive scallop mortality. This action reduced the number of scallop trips to the ETAA, and prohibited the retention of more than 50 U.S. bushels (17.62 hL) of in-shell scallop outside of the boundaries of the ETAA (deckloading). The action also clarified that the current restriction on landing no more than one scallop trip per calendar day for vessels fishing under general category rules does not prohibit a vessel from leaving on a scallop trip on the same calendar day that the vessel landed scallops.

32. Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Revision of VMS Requirements for Commercial Gulf Reef Fish Vessels. RIN 0648–AV59 (72 FR 73270; December 27, 2007). NMFS issued this final rule to revise VMS requirements applicable to the commercial reef fish fishery in the Gulf of Mexico and to revise the allowable methods for complying with the advance notification of landing requirement in the Gulf red snapper IFQ program. Regarding the VMS program, this final rule allowed commercial reef fish vessel owners or operators to reduce the frequency of VMS transmissions while in port; extended the existing power down exemption to include reef fish vessels while in port; and added a grandfather clause to address VMS units approved for use in the Gulf reef fish fishery. Regarding the IFQ program, this final rule expanded the allowable methods for communicating the required advance notification of landing. The intended effects of this final rule were to resolve an unanticipated technological problem with the VMS draining power from vessels that were in port without access to external power sources; provided a grandfather clause for previously approved Gulf reef fish VMS units; and facilitated compliance with the advance notification of landing requirement in the IFQ program. Finally, NMFS informed the public of the approval by the OMB of the collection-of information requirements contained in this final rule and published the OMB control numbers for those collections.

33. Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Vermilion Snapper Fishery Management Measures. RIN 0648–AV45 (73 FR 406; January 3, 2008). NMFS issued this final rule to implement a regulatory amendment to the FMP for the Reef Fish Resources of the Gulf of Mexico prepared by the Gulf of Mexico Fishery Management Council. This final rule reduced the minimum size limit for vermilion snapper to 10 inches (25.4 cm) total length, eliminated the 10-fish recreational bag limit for vermilion snapper within the existing 20-fish aggregate reef fish bag limit, and eliminated the 40-day commercial closed season for vermilion snapper (from April 22 through May 31 each year). NMFS also implemented through this rule clarifications for the Gulf of Mexico red snapper IFQ program, as well as non-substantive changes to codified text, including removing obsolete language regarding the use of fish traps in the Gulf of Mexico, removing outdated and redundant language, revising phone numbers and an outdated definition, and revising incorrect references. The intended effects of this final rule were to help achieve optimum yield by reducing vermilion snapper harvest limitations consistent with the findings of the recent stock assessment and to clarify and update existing regulations.

34. Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery and Shrimp Fishery of the Gulf of Mexico; Amendment 27/14. RIN 0648–AT87 (73 FR 5117; January 29, 2008). NMFS issued this final rule to implement joint Amendment 27 to the FMP for the Reef Fish Resources of the Gulf of Mexico and Amendment 14 to the FMP for the Shrimp Fishery of the Gulf of Mexico (Amendment 27/14) prepared by the Gulf of Mexico Fishery Management Council. This final rule reduced the commercial and recreational quotas for red snapper; reduced the commercial minimum size limit for red snapper, reduced the recreational bag limit for red snapper; prohibited the retention of red snapper under the bag limit for the captain and crew of a vessel operating as a charter vessel or headboat; established a red snapper recreational season that is open from June 1 through September 30 each year; required the use of non-stainless steel circle hooks when using natural baits to fish for Gulf reef fish; required the use of venting tools and de-hooking devices when participating in the commercial or recreational reef fish fisheries, and, consistent with the Amendment's framework procedure, provided for implementing seasonal closures of the Gulf shrimp fishery to reduce red snapper bycatch based upon the 74 percent bycatch reduction target established in this final rule. In addition, this final rule established a framework procedure to adjust the target effort level and any necessary closures for the Gulf shrimp fishery. The measures contained in this final rule are intended to establish a revised red snapper rebuilding plan and to end overfishing of the red snapper resource in the Gulf of Mexico.

35. Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Atlantic Group Spanish Mackerel Commercial Trip Limit in the Southern Zone; Change in Start Date. RIN 0648–AV17 (73 FR 7676; February 11, 2008). In accordance with the framework procedure for adjusting management measures of the FMP for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic, NMFS changed the start date of the commercial trip limit for Atlantic migratory group Spanish mackerel in the southern zone to March 1. The intended effect of this final rule was to conform the trip limit to the beginning of the fishing year for Atlantic migratory group Spanish mackerel.

36. Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fisheries of the Gulf of Mexico; Revisions to Bycatch Reduction Devices and Testing Protocols. RIN 0648–AU59 (73 FR 8219; February 13, 2008). In accordance with the framework procedures for adjusting management measures specified in regulations implementing the FMP for the Shrimp Fishery of the Gulf of Mexico and the FMP for the Shrimp Fishery of the South Atlantic Region, NMFS issued this final rule to consolidate and make modifications to the Bycatch Reduction Device Testing Manuals (Manual) for the Gulf of Mexico and the South Atlantic regions. This final rule also revised the bycatch reduction device (BRD) certification criterion for the western Gulf of Mexico and certified additional BRDs. The intended effect of this final rule was to improve bycatch reduction in the shrimp fisheries and better meet the requirements of national standard 9.

37. Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program. RIN 0648–AU85 (73 FR 8822; February 15, 2008). NMFS issued a final rule to modify the IFQ Program for the fixed-gear commercial Pacific halibut fishery and sablefish fishery by revising regulations governing the use of commercial halibut quota share (QS) and the processing of non-IFQ species when processed halibut is onboard a vessel. This action amended current regulations to allow persons holding category A halibut QS to process IFQ regardless of whether a QS holder with unused category B, C, or D halibut QS is onboard the vessel. This action also allowed catcher/processor vessels to process non-IFQ species regardless of whether any processed IFQ species is onboard the vessel. This action was necessary to improve the efficiency of fishermen fishing on catcher/processor vessels. The action was intended to allow halibut QS holders greater flexibility in using their QS, allow use of crew who hold unused category B, C, or D halibut QS while onboard a category A halibut QS vessel, and increase the product quality of non-IFQ species harvested incidentally to IFQ halibut.

38. Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish, Crab, Scallop, and Salmon Fisheries of the Bering Sea and Aleutian Islands

Management Area. RIN 0648–AV62 (73 FR 9035; February 19, 2008). NMFS issued a final rule that implements Amendment 88 to the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area. This amendment revised the Aleutian Islands Habitat Conservation Area (AIHCA) boundary to allow non-pelagic trawling in an area historically fished and to prohibit non-pelagic trawling in an area of known coral and sponge occurrence. This action was necessary to ensure the AIHCA protects areas of coral and sponge habitat from the potential effects of non-pelagic trawling and allows non-pelagic trawling in areas historically fished and with unknown occurrence of corals and sponges.

39. Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Bycatch Management. RIN 0648–AV96 (73 FR 12898; March 11, 2008). NMFS issued a final rule to repeal regulations providing for a groundfish vessel incentive program (VIP) that was designed to reduce the rate at which Pacific halibut and red king crab are taken as incidental catch in Alaska groundfish trawl fisheries. The VIP had not performed as intended because of the costs associated with implementation and enforcement, the relatively small number of vessels covered by the regulation, and the implementation of more effective bycatch reduction programs. This action was necessary to reduce a regulatory burden on the industry and to reduce the administrative costs necessary to support a program no longer considered an effective means to reduce bycatch rates.

40. Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures in the Main Hawaiian Islands. RIN 0648–AU22 (73 FR 18450; April 4, 2008). This final rule implemented management measures for the vessel-based bottomfish fishery in the Main Hawaiian Islands, including requirements for non-commercial (recreational and subsistence) permits and data reporting, a closed season, annual total allowable catch limits, and non-commercial bag limits. This action was intended to end the overfishing of bottomfish in the Hawaiian Archipelago.

41. Endangered and Threatened Wildlife; Sea Turtle Conservation. RIN 0648–AV84 (73 FR 18984; April 8, 2008). NMFS issued this final rule to clarify the existing sea turtle conservation requirements for sea scallop dredge vessels entering waters south of 41°9.0′ N. latitude from May 1 through November 30 each year and to add a transiting provision to the requirements. Any vessel with a sea scallop dredge and required to have a Federal Atlantic sea scallop fishery permit, regardless of dredge size or vessel permit category, that enters waters south of 41°9.0′ N. latitude, from the shoreline to the outer boundary of the Exclusive Economic Zone (EEZ) must have a chain mat on each dredge, unless the terms of the transiting provision are met. The chain-mat modified dredge was necessary to help reduce mortality and injury to endangered and threatened sea turtles in scallop dredge gear and to conserve sea turtles listed under the ESA. This action addressed a procedural error in the original rulemaking to require chain mats on scallop dredge gear, clarified the existing requirements, and added a transiting provision to the regulations. Any incidental take of threatened sea turtles in sea scallop dredge gear in compliance with this gear modification requirement and all other applicable requirements were be exempted from the ESA's take prohibition.

42. Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 11. RIN 0648–AU32 (73 FR 20090; April 14, 2008). NMFS implemented the approved measures contained in Amendment 11 to the Atlantic Sea Scallop FMP, developed by the New England Fishery Management Council. Amendment 11 was developed by the Council to control the capacity of the open access general category fleet. Amendment 11 established a new management program for the general category scallop fishery, including a limited access program with IFQs for qualified general category vessels, a specific allocation for general category fisheries, and other measures to improve management of the general category scallop fishery.

43. Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 5 to the Monkfish FMP. RIN 0648–AW33 (73 FR 22831; April 28, 2008). NMFS approved and implemented new management measures for the monkfish fishery recommended in Framework Adjustment 5 to the Monkfish FMP, which were submitted jointly by the New England and Mid-Atlantic Fishery Management Councils. This action approved and implemented revised biological reference points in the FMP to be consistent with the recommendations resulting from the most recent stock assessment for this fishery (Northeast Data Poor Stocks Working Group (DPWG, July 2007)), and approved and implemented revised management measures to ensure that the monkfish management program succeeded in keeping landings within the target total allowable catch levels.

44. Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Development Quota Program. RIN 0648–AV64 (73 FR 28733; May 19, 2008). NMFS issued a final rule to modify the IFQ Program and the Community Development Quota Program for the fixed-gear commercial Pacific halibut and sablefish fisheries. This action amended current regulations to allow the use of longline pot fishing gear in the Bering Sea sablefish IFQ and sablefish Community Development Quota fisheries in the month of June. This action also added regulatory provisions to allow members of the National Guard and military reserves who are mobilized to active duty to temporarily transfer their annual halibut and sablefish IFQ to other eligible IFQ recipients. This final rule was necessary to increase the efficiency of fishermen operating longline pot vessels in the Bering Sea sablefish fishery and to allow guardsmen and reservists to accrue some economic benefit from their annual IFQ if unable to harvest it due to military service. This action was intended to promote the conservation and management provisions in the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Northern Pacific Halibut Act of 1982.

45. Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 19. RIN 0648–AV90 (73 FR 30790; May 29, 2008). NMFS implemented measures included in Framework Adjustment 19 (Framework 19) to the Atlantic Sea Scallop FMP, which was developed by the New England Fishery Management Council. Framework 19 was developed to achieve the following management measures for the scallop fishery: Limited access scallop fishery specifications for 2008 and 2009 (open area days-at-sea and Sea Scallop Access Area (access area) trip allocations); ETAA and Delmarva Access Area (Delmarva) in-season trip adjustment procedures; new Hudson Canyon Access Area measures; DAS allocation adjustment measures if an access area yellowtail flounder (yellowtail) total allowable catch is caught; adjustments to the scallop overfishing definition; a prohibition on deckloading of scallops on access area trips; adjustments to the industry funded observer program; a 30-day VMS power down provision; general category access area specifications for 2008 and 2009; and

general category measures dependent on the implementation of Amendment 11 to the FMP, including a quarterly total allowable catch, 2008 and 2009 general category quota allocations, and IFQ permit cost recovery program requirements. NMFS disapproved the Council's recommendation to eliminate the September 1 through October 31 ETAA seasonal closure, which was implemented under Framework 18 to the FMP to reduce sea turtle interactions with the scallop fishery. NMFS determined that the Council's recommendation would not be consistent with National Standards 2 and 9 of the MSA.

46. International Fisheries; Atlantic Highly Migratory Species; International Trade Permit Program; Bluefin Tuna Catch Documentation Program. RIN 0648–AU88 (73 FR 31380; June 2, 2008). NMFS modified permitting and reporting requirements for the HMS International Trade Permit (ITP) program to improve program efficacy and enforceability, and implement the International Commission for the Conservation of Atlantic Tunas bluefin tuna catch documentation program. The modified regulations also implemented the new definition of ''import'' contained in the MSA, and required that shark fin importers, exporters, and re-exporters obtain the HMS ITP to assist NMFS in monitoring trade of shark fins. This action was necessary to implement recommendations of ICCAT, as required by the Atlantic Tunas Convention Act, and to achieve domestic management objectives under the MSA.

47. Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Scallop Dredge Exemption Areas; Addition of Monkfish Incidental Catch Trip Limits. RIN 0648–AW31 (73 FR 33922; June 16, 2008). This action modified the regulations implementing the Northeast Multispecies FMP to create three NE Multispecies Scallop Exemptions that were identical to the current scallop exemptions, except for the addition of an incidental monkfish catch limit. These new scallop exemptions were restricted to vessels issued either a General Category Atlantic sea scallop permit or a limited access Atlantic sea scallop permit (when not fishing under a scallop DAS limitation), when fishing for scallops with small dredge gear (combined width not to exceed 10.5 ft (3.2 m)). Vessels that land an incidental catch of monkfish within these new scallop exemptions are required to possess, and have onboard, a valid limited access monkfish permit, or an open access monkfish Incidental Catch permit. The intent of this action was to allow small scallop dredge vessels to land monkfish that are currently being discarded, consistent with the bycatch reduction objectives of the FMP and National Standard 9 of the MSA.

48. Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program. 0648–AW45 (73 FR 35084; June 20, 2008). NMFS issued regulations implementing Amendment 26 to the FMP for Bering Sea/Aleutian Islands King and Tanner Crabs. These regulations amended the Crab Rationalization Program. Amendment 26 amended the FMP to exempt permanently quota share issued to crew members, and the annual harvest privileges derived from that quota share, from requirements for delivery to specific processors, delivery within specific geographic regions, and participation in an arbitration system to resolve price disputes. This action was intended to promote the goals and objectives of the MSA, the FMP, and other applicable law.

49. Atlantic Highly Migratory Species; Atlantic Shark Management Measures. 0648–AU89 (73 FR 35778; June 24, 2008). This final rule implemented the management measures described in Final Amendment 2 to the Atlantic HMS FMP. These management measures were designed to rebuild overfished species and prevent overfishing of Atlantic sharks. These measures include, but are not limited to, reductions in the commercial quotas, adjustments to commercial retention limits, establishment of a shark research fishery, a requirement for commercial vessels to maintain all fins on the shark carcasses through offloading, the establishment of two regional quotas for non-sandbar large coastal sharks, the establishment of one annual season for commercial shark fishing instead of trimesters, changes in reporting requirements for dealers (including swordfish and tuna dealers), the establishment of additional time/area closures for bottom longline fisheries, and changes to the authorized species for recreational fisheries. This rule also established the 2008 commercial quota for all Atlantic shark species groups. These changes affected all commercial and recreational shark fishermen and shark dealers on the Atlantic Coast.

50. Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9. 0648–AP60 (73 FR 37382; July 1, 2008). NMFS implemented approved measures contained in Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish FMP. Amendment 9 was developed by the Mid-Atlantic Fishery Management Council to remedy deficiencies in the FMP and to address other issues that have arisen since Amendment 8 to the FMP became effective in 1999. Amendment 9 established multi-year specifications for all four species managed under the FMP (mackerel, butterfish, Illex squid (Illex), and Loligo squid (Loligo)) for up to 3 years; extended the moratorium on entry into the Illex fishery, without a sunset provision; adopted biological reference points recommended by the Stock Assessment Review Committee for Loligo; and designated EFH for Loligo eggs based on best available scientific information; and prohibits bottom trawling by permitted vessels in Lydonia and Oceanographer Canyons.

51. Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 30A. 0648–AV34 (73 FR 38139; July 3, 2008). NMFS issued this final rule to implement Amendment 30A to the FMP for the Reef Fish Resources of the Gulf of Mexico prepared by the Gulf of Mexico Fishery Management Council. This final rule established accountability measures for the commercial and recreational fisheries for greater amberjack and gray triggerfish, established commercial quotas for greater amberjack and gray triggerfish, established a recreational quota for greater amberjack and recreational catch limits for gray triggerfish, increased the commercial and recreational minimum size limit for gray triggerfish, increased the recreational minimum size limit for greater amberjack, and reduced the greater amberjack bag limit to zero for captain and crew of a vessel operating as a charter vessel or headboat. In addition, Amendment 30A established management targets and thresholds for gray triggerfish consistent with the requirements of the Sustainable Fisheries Act. This final rule was intended to end overfishing of greater amberjack and gray triggerfish and to rebuild these stocks to sustainable levels.

52. Atlantic Highly Migratory Species; Renewal of Atlantic Tunas Longline Limited Access Permits; Atlantic Shark Dealer Workshop Attendance Requirements. 0648–AW46 (73 FR 38144; July 3, 2008). This final rule amended the regulations governing the renewal of Atlantic tunas longline limited access permits (LAPs), and amended the workshop attendance requirements for businesses issued Atlantic shark dealer permits. Specifically, the regulatory changes allowed for the renewal of Atlantic tunas longline LAPs that have been

expired for more than one year by the most recent permit holder of record, provided that the applicant has been issued a swordfish LAP (other than a handgear LAP) and a shark LAP, and all other requirements for permit renewal are met. Also, this rule amended the Atlantic Shark Identification Workshop requirements by: specifying that a workshop certificate be submitted upon permit renewal, and later possessed and available for inspection, for each place of business listed on the dealer permit which first receives Atlantic sharks by way of purchase, barter, or trade (rather than for each location listed on their dealer permit); and required that extensions of a dealer's business, such as trucks or other conveyances, must possess a copy of a valid dealer or proxy certificate issued to a place of business listed on the dealer permit.

53. Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Allowance of New Gear (Haddock Rope Trawl, Previously Referred to as the Eliminator Trawl) in Specific Special Management Programs. 0648–AW53 (73 FR 40186; July 14, 2008). NMFS approved the use of an additional type of trawl gear known as the ''haddock rope trawl'' (formerly called the ''eliminator trawl'') in the Regular B Days-at-Sea Program and the Eastern U.S./Canada Haddock Special Access Program (SAP). Vessels fishing in the Regular B DAS Program or the Eastern U.S./Canada Haddock SAP must use approved trawl gear in order to reduce the catch of Northeast multispecies (groundfish) stocks of concern. The NE Regional Administrator, NMFS, may approve additional gears for use in these programs if research demonstrates that the gear meets specific standards for the reduction of catch of stocks of concern. The intent of this action was to reduce catch of stocks of concern in the NE multispecies fishery and to provide for the conservation and management of stocks managed by the NE Multispecies FMP.

54. Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area. 0648–AW06 (73 FR 43362; July 25, 2008). NMFS issued a final rule that implements Amendment 89 to the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area to establish Bering Sea habitat conservation measures. Amendment 89 prohibits non-pelagic trawling in certain waters of the Bering Sea subarea to protect bottom habitat from the potential adverse effects of non-pelagic trawling. Amendment 89 also established the Northern Bering Sea Research Area for studying the impacts of non-pelagic trawling on bottom habitat. This rule was necessary to protect portions of the Bering Sea subarea bottom habitat from the potential effects of non-pelagic trawling and to provide the opportunity to further study the effects of non-pelagic trawling on bottom habitat. This action was intended to promote the goals and objectives of the MSA, the FMP, and other applicable laws.

55. Fisheries in the Western Pacific; Precious Corals Fisheries; Black Coral Quota and Gold Coral Moratorium. 0648–AV30 (73 FR 47098; August 13, 2008). This final rule implemented Amendment 7 to the FMP for Precious Coral Fisheries of the Western Pacific Region. The rule designated the Au'au Channel, Hawaii, black coral bed as an ''Established Bed'' with a harvest quota of 5,000 kg every 2 years that applies to Federal and State of Hawaii waters, and implemented a 5-year moratorium on the harvest of gold coral throughout the U.S. western Pacific. This rule was intended to prevent overfishing and achieve optimum yields of black coral resources, and to prevent overfishing and stimulate research on gold corals.

56. Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 6 to the Monkfish FMP. 0648–AW81 (73 FR 52635; September 10, 2008). NMFS approved and implemented new management measures for the monkfish fishery recommended in Framework Adjustment 6 (Framework 6) to the Monkfish FMP, which has been submitted jointly by the New England and Mid-Atlantic Fishery Management Councils. This action eliminated the backstop provision adopted in Framework Adjustment 4 to the FMP, which was implemented in October 2007. This provision would have adjusted, and possibly closed, the directed monkfish fishery in fishing year 2009 if the landings in fishing year 2007 exceeded the target total allowable catch by more than 30 percent. Given that both stocks were rebuilt according to the most recent assessment, the backstop provision was no longer deemed necessary.

57. Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut. 0648–AX21 (73 FR 52795; September 11, 2008). NMFS withdrew regulations that placed limits on charter vessel anglers, including a one-halibut daily bag limit in International Pacific Halibut Commission Area 2C. The U.S. District Court for the District of Columbia issued a Temporary Restraining Order (TRO) on June 10, 2008 (amended on June 13, 2008), and a Preliminary Injunction (PI) on June 20, 2008, enjoining and restraining NMFS from giving any effect to or otherwise taking any action to enforce the one-halibut daily bag limit restriction for charter vessel anglers. The TRO (as amended) and the PI direct that the daily bag limit should revert to the two-fish daily bag limit with one fish no more than 32 inches (81.3 cm) head-on length that was in place prior to the one-fish daily bag limit. This action ensured that regulatory text provided accurate information to the regulated public. The intended effect was to make regulatory requirements consistent with a duly issued court order.

58. Atlantic Highly Migratory Species; Atlantic Tuna Fisheries; Pelagic and Bottom Longline Fisheries; Gear Authorization and Turtle Control Devices. 0648–AV92 (73 FR 54721; September 23, 2008). NMFS authorized green-stick gear for the harvest of Atlantic tunas, including bluefin tuna, and required a sea turtle control device in Atlantic HMS pelagic longline (PLL) and bottom longline fisheries. At that time, NMFS was not authorizing harpoon gear for the harvest of Atlantic tunas in the HMS Charter/Headboat category as originally proposed. The purpose of this final rule was to ensure fishermen harvest Atlantic tunas within quotas, size limits, or other established limitations and to distinguish green-stick fishing gear from current definitions of other authorized gear types. This final rule also addressed use of sea turtle control devices in the PLL and bottom longline fisheries to achieve and maintain low post-release mortality of sea turtles thus maintaining consistency with the 2004 Biological Opinion for the Atlantic PLL fishery and to increase safety at sea for fishermen when handling sea turtles caught or entangled in longline fishing gear. NMFS also revised its list of equipment models that NMFS had approved as meeting the minimum design specifications for the careful release of sea turtles caught in hook and line fisheries.

59. Pacific Halibut Fisheries; Subsistence Fishing. 0648–AU14 (73 FR 54932; September 24, 2008). NMFS issued a final rule to amend the subsistence fishery rules for Pacific halibut in waters in and off Alaska. These regulations were necessary to address subsistence halibut management concerns, particularly in densely populated areas. This action was intended to support the conservation and management

provisions of the Northern Pacific Halibut Act of 1982.

60. Endangered Fish and Wildlife; Final Rule To Implement Speed Restrictions to Reduce the Threat of Ship Collisions With North Atlantic Right Whales. 0648–AS36 (73 FR 60173; October 10, 2008). NMFS established regulations to implement speed restrictions of no more than 10 knots applying to all vessels 65 ft. (19.8 m) or greater in overall length in certain locations and at certain times of the year along the east coast of the U.S. Atlantic seaboard. The purpose of the regulations was to reduce the likelihood of deaths and serious injuries to endangered North Atlantic right whales that result from collisions with ships.

61. Endangered and Threatened Species; Critical Habitat for Threatened Elkhorn and Staghorn Corals. 0648–AU92 (73 FR 64264; October 29, 2008). NMFS published this final rule to apply all the prohibitions enumerated in section 9(a)(1) of the ESA to elkhorn (*Acropora palmata*) and staghorn (*A. cervicornis*) corals, with limited exceptions for two specified classes of activities that contribute to the conservation of the listed corals. NMFS determined that extending these prohibitions with two exceptions was necessary and advisable to provide for the conservation of the species.

62. General Provisions for Domestic Fisheries; Specifications for Boarding Ladders. RIN 0648–AV78 (73 FR 67805; November 17, 2008). NMFS published regulations to require operators of domestic fishing vessel with a freeboard of four feet or over to provide a U.S. Coast Guard approved pilot ladder as a safe and enforceable means for authorized personnel to board fishing vessels in carrying out their duties under the MSA, the Atlantic Tunas Convention Act, and other applicable fisheries laws and treaties. This action was necessary to provide for the safety of personnel boarding domestic fishing vessels, as current standards have proven to be inadequate. These final regulations established a safer and more enforceable national standard for ladders used by authorized officers for boarding domestic fishing vessels subject to Federal regulation.

63. Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Revisions to Allowable Bycatch Reduction Devices. RIN 0648–AV14 (73 FR 68355; November 18, 2008). In accordance with the framework procedures for adjusting management measures of the FMP for the Shrimp Fishery of the Gulf of Mexico, NMFS issued this final rule to decertify the expanded mesh BRD, the ''Gulf fisheye'' BRD, and the ''fisheye'' BRD, as was then specified, for use in the Gulf of Mexico shrimp fishery. NMFS also certified a new specification for the fisheye device to be used in the Gulf. In addition, this final rule incorporated a number of minor revisions which remove outdated regulatory text and revise references within regulatory text. The intended effect of this final rule was to improve bycatch reduction in the shrimp fishery and better meet the requirements of national standard 9.

64. Endangered and Threatened Species; Critical Habitat for Threatened Elkhorn and Staghorn Corals. 0648–AV35 (73 FR 72210; November 26, 2008). NMFS issued a final rule designating critical habitat for elkhorn (*Acropora palmata*) and staghorn (*A. cervicornis*) corals, which we listed as threatened under the ESA of 1973, as amended, on May 9, 2006. Four specific areas were designated: The Florida area, which comprises approximately 1,329 square miles (3,442 sq. km) of marine habitat; the Puerto Rico area, which comprises approximately 1,383 square miles (3,582 sq. km) of marine habitat; the St. John/St. Thomas area, which comprises approximately 121 square miles (313 sq. km) of marine habitat; and the St. Croix area, which comprises approximately 126 square miles (326 sq. km) of marine habitat. NMFS excluded one military site, comprising approximately 5.5 square miles (14.3 sq. km), because of national security impacts.

65. Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures for the Northern Mariana Islands. RIN 0648–AV28 (73 FR 75615; December 12, 2008). This final rule established Federal permitting and reporting requirements for all commercial bottomfish vessels fishing in the U.S. EEZ around the Commonwealth of the Northern Mariana Islands (CNMI). The final rule also closed certain EEZ waters around the CNMI to bottomfish fishing by vessels over 40 ft. (12.2 m) in length. Vessel monitoring system units must be installed on those larger vessels when fishing in EEZ waters around the CNMI, and the operators of those larger vessels were required to submit Federal sales reports in addition to catch reports. This final rule was intended to ensure adequate collection of information about the CNMI commercial bottomfish fishery, provide for sustained community participation, and maintain a consistent supply of locally-caught bottomfish to CNMI markets and seafood consumers. Combined, these measures were intended to prevent the depletion of bottomfish stocks in the CNMI, and to sustain the fisheries that depend on them.

66. Pacific Halibut Fisheries; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Recordkeeping and Reporting; Permits. RIN 0648–AT91 (73 FR 76136; December 15, 2008). NMFS issued a final rule that implements new recordkeeping and reporting requirements; a new electronic groundfish catch reporting system, the Interagency Electronic Reporting System, and its data entry component, eLandings; the integration of eLandings with existing logbook requirements and future electronic logbooks; a variety of fisheries permits provisions and revisions to regulations governing the Bering Sea and Aleutian Islands Management Area Crab Rationalization Program, including fee calculations; a revision to a Sitka Pinnacles Marine Reserve closure provision; and a revision to a groundfish observer provision regarding at-sea vessel-to-vessel transfers. This action was intended to promote the goals and objectives of the MSA and other applicable law.

67. Taking of Marine Mammals Incidental to Commercial Fishing Operations; Bottlenose Dolphin Take Reduction Plan. RIN 0648–AW68 (73 FR 77531; December 19, 2008). NMFS issued this final rule amending the Bottlenose Dolphin Take Reduction Plan's (BDTRP) implementing regulations by extending, for an additional 3 years, fishing restrictions expiring on May 26, 2009. This action continued, without modification, current nighttime fishing restrictions of medium mesh gillnets operating in the North Carolina portion of the Winter-Mixed Management Unit during the winter. Medium mesh fishing restrictions were extended for an additional 3 years to ensure continued conservation of the Western North Atlantic coastal bottlenose dolphin stock, should a directed spiny dogfish fishery reemerge in North Carolina.

68. Fisheries of the Exclusive Economic Zone Off Alaska; Revised Management Authority for Dark Rockfish in the Bering Sea and Aleutian Islands Management Area and the Gulf of Alaska. RIN 0648–AU20 (73 FR 80307; December 31, 2008). NMFS issued a final rule that implements Amendment 73 to the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area and

Amendment 77 to the FMP for Groundfish of the Gulf of Alaska (collectively, Amendments 73/77). Amendments 73/77 remove dark rockfish (Sebastes ciliatus) from both FMPs. The State of Alaska assumed management of dark rockfish catch by State-permitted vessels in the Bering Sea and Aleutian Islands Management Area and the Gulf of Alaska, in addition to its existing authority in State waters. This action was necessary to allow the State to implement more responsive, regionally based management of dark rockfish than is currently possible under the FMPs. This action was intended to improve conservation and management of dark rockfish and promote the goals and objectives of the MSA, the FMPs, and other applicable laws.

Dated: September 3, 2014.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–21268 Filed 9–5–14; 8:45 am]

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Notices

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Document Number AMS–NOP–14–0063; NOP–14–07]

Notice of Meeting of the National Organic Standards Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, (5 U.S.C. App.), the Agricultural Marketing Service (AMS) is announcing an upcoming meeting of the National Organic Standards Board (NOSB). Written public comments are invited in advance of the meeting, and the meeting will include scheduled time for oral comments from the public.

DATES: The meeting will be held October 28–30, 2014, from 8:30 a.m. to 6 p.m. each day. The deadline to submit written public comments and sign up for oral public comments is Tuesday, October 7, 2014.

ADDRESSES: The meeting will take place at the Galt House Hotel, 140 North Fourth St., Louisville, KY 40202, (502) 589–5200. Information and instructions pertaining to the meeting are posted at the following web address: *http://www.ams.usda.gov/NOSBMeetings.*

FOR FURTHER INFORMATION CONTACT: For printed materials or additional information, write to Ms. Michelle Arsenault, Special Assistant, National Organic Standards Board, USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2648–So., Mail Stop 0268, Washington, DC 20250–0268; Phone: (202) 720–3252; Email: *nosb@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: The NOSB makes recommendations about whether a substance should be allowed or prohibited in organic production and/or handling, assists in the development of standards for organic production, and advises the Secretary on other aspects of the implementation of the Organic Foods Production Act (7 U.S.C. 6501–6522). The NOSB currently has six subcommittees working on various aspects of the Organic Program. The subcommittees are: Compliance, Accreditation, and Certification; Crops; Handling; Livestock; Materials/Genetically Modified Organisms; and Policy Development. The primary purpose of NOSB meetings is to provide an opportunity for the organic community to give input on proposed NOSB recommendations and discussion items. The meetings also allow the NOSB to receive updates from the USDA National Organic Program (NOP) on issues pertaining to organic agriculture. The meeting will be open to the public. The meeting agenda, NOSB proposals and discussion documents, instructions for submitting and viewing public comments, and instructions for requesting a time slot for oral comments are available on the NOP Web site at *http://www.ams.usda.gov/NOSBMeetings.* The discussion documents and proposals encompass a wide range of topics, including: substances petitioned to the National List of Allowed and Prohibited Substances (National List), substances on the National List that require NOSB review before their 2015 and 2016 sunset dates, updates from working groups on technical issues, and amendments to guidance on organic policies. This meeting will serve as the NOSB's review of substances that have a sunset date in 2015. This review will fulfill the NOSB's responsibilities described in the Organic Foods Production Act's sunset provision (section 2118(e)).

Public Comments: Written public comments will be accepted through Tuesday, October 7, 2014 via *www.regulations.gov*. Comments received after that date may not be reviewed by the NOSB before the meeting. The NOP strongly prefers comments to be submitted electronically; however, written comments may also be submitted by Tuesday, October 7, 2014 via mail to Ms. Michelle Arsenault, Special Assistant, National Organic Standards Board, USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2648–S, Mail Stop 0268, Washington, DC 20250–0268. Instructions for viewing all comments are posted at *www.regulations.gov* and *http://www.ams.usda.gov/NOSBMeetings*.

The NOSB has scheduled time for oral comments from the public, and will accommodate as many individuals and organizations as possible during these sessions. Individuals and organizations wishing to make oral presentations at the meeting must pre-register to request one time slot by visiting *http://www.ams.usda.gov/NOSBMeetings* or by calling (202) 720–0081. The deadline to sign up for an oral public comment slot is Tuesday, October 7, 2014. All persons making oral presentations should also provide their comments in advance through the written comment process. Written submissions may contain supplemental information other than that presented in the oral presentation. Persons submitting written comments at the meeting are asked to provide two hard copies.

Meeting Accommodations: The meeting hotel is ADA Compliant, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this public meeting, please notify Michelle Arsenault at *michelle.arsenault@ams.usda.gov* or (202) 720–0081. Determinations for reasonable accommodation will be made on a case-by-case basis.

Dated: August 27, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–21292 Filed 9–5–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ketchikan Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ketchikan Resource Advisory Committee (RAC) will meet in Ketchikan, Alaska. The RAC is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) (Pub. L. 110–343) and operates in compliance with the Federal Advisory Committee

Act of 1972 (5 U.S.C. App. 2). The purpose of the RAC is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The meeting is open to the public. Additional information concerning the RAC, including the agenda, can be found by visiting the RAC's Web site at: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf/RAC/Ketchikan?OpenDocument.*

DATES: The meeting will be held September 24, 2014 at 5:00 p.m.

All RAC meetings are subject to cancellation. For updated status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Ketchikan Misty Fiords Ranger District, 3031 Tongass Avenue, Ketchikan, Alaska. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Ketchikan Misty Fiords Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Diane L. Daniels, RAC Coordinator, by phone at 907–228–4105, or via email at *ddaniels@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

(1) Review current projects; and

(2) Recommend future projects the committee members feel should be funded.

The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 19, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the RAC may file written statements with the committee staff before or after the meeting. Written comments and time requests for oral comments must be sent to Diane L. Daniels, RAC Coordinator, Ketchikan Misty Fiords Ranger District, 3031 Tongass Avenue, Ketchikan, Alaska 99901, or by email at *ddaniels@fs.fed.us,* or via facsimile at 907–225–8738.

Additional RAC information, including the summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf/RAC/Ketchikan?OpenDocument* 21 days after the meeting.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 29, 2014.

Jeffrey DeFreest,

District Ranger.

[FR Doc. 2014–21265 Filed 9–5–14; 8:45 am]

BILLING CODE 3411–15–M

DEPARTMENT OF AGRICULTURE

Office of Advocacy and Outreach

Beginning Farmers and Ranchers Advisory Committee

AGENCY: Office of Advocacy and Outreach, USDA.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the Office of Advocacy and Outreach (OAO) is announcing a meeting of the Beginning Farmers and Ranchers Advisory Committee (Committee). The Committee is being convened to consider issues involving communications, service, and advocacy in identifying barriers for beginning farmers and ranchers. They will also consider issues around lending and credit in parsing statistics generated by USDA. Finally, the members will be drafting agency program-specific recommendations.

DATES: The meeting will be held on Tuesday and Wednesday, September 23–24, 2014, from 9:00 a.m.–5:00 p.m. CST. There will be time allotted at the end of each day from 4:00–4:30 p.m. for public comments. All persons wishing to make comments during this meeting must check-in between 8:30 a.m. and 9:00 a.m. on both days at the registration table. All public commenters will be allowed a maximum of three minutes. If the number of registrants requesting to speak is greater than what can be reasonably accommodated during the scheduled open public hearing timeframe, a lottery will be implemented to determine the speakers for the scheduled open public comment session.

ADDRESSES: This public advisory committee meeting will be held at the Austin Marriott South, 4415 S. IH–35, Austin, TX 78744. Complimentary parking is available on site. There is also a short-term drop-off area directly in front of the entrance to the hotel property. There will be signs in the main lobby of the hotel noting the meeting room assignments.

A listen-only conference call line will be available from 9:00 a.m. through 5:00 p.m. CST each day for all who wish to listen in on the proceeding through the following telephone number: (888) 942–8514 and enter passcode 6697201.

FOR FURTHER INFORMATION CONTACT: Questions should be directed to Phyllis Morgan, Executive Assistant, OAO, 1400 Independence Ave. SW., Whitten Bldg., 520–A, Washington, DC 20250, Phone: (202) 720–6350, Fax: (202) 720–7136, email: *Phyllis.Morgan@osec.usda.gov.*

Public written comments for the Committee's consideration may be submitted, by close of business September 17, 2014, to Mrs. Kenya Nicholas, Designated Federal Official, USDA OAO, 1400 Independence Avenue SW., Room 520–A, Washington, DC 20250–0170, Phone (202) 720–6350, Fax (202) 720–7136, Email: *ACBFR@osec.usda.gov.*

SUPPLEMENTARY INFORMATION: FACA requires that notices for advisory committee meetings be published in the **Federal Register** at a minimum of 15 days prior to the meeting date. The Committee recently met in Davis, California to consider the efficiency and value of programs and policies of the Department's programs affecting new farmers and ranchers. The Farm Service Agency, Natural Resource Conservation Service, Rural Development, Marketing and Regulatory Programs (Organic and Sustainable Agriculture), and the Agricultural Marketing Service put specific questions before the Committee as a context for the recommendations. In addition to finalizing those recommendations, the Committee may also be asked to consider new inquiries from these programs on policies that affect beginning farmers and ranchers. Representatives from all agencies represented at the June 2014 meeting will be available (on-call via teleconference) to respond to any clarifying questions the Committee may have. Please visit our Web site at: *http://*

www.outreach.usda.gov/smallbeginning/index.htm for additional information on this advisory committee.

The public is asked to pre-register for the meeting at least 10 business days prior to the meeting. You may pre-register for the public meeting at *http://www.outreach.usda.gov/committees/ACBFR.htm* by clicking on the BFR Meeting Sign Up button or submit an email to *ACBFR@osec.usda.gov* with your name, organization or affiliation, comments, or any questions for the Committee's consideration. You may also fax this information to (202) 720–7136. Members of the public who request to give comments to the Committee must arrive between 8:30 a.m. and 9:00 a.m. on either day of the meeting and register (confirm) at the check-in table.

Availability of Materials for the Meeting: Please visit the Beginning Farmers and Ranchers Web site for the full agenda. All agenda topics and documents will be made available to the public at: *http://www.outreach.usda.gov/smallbeginning/index.htm.* Copies of the agenda will also be distributed at the meeting.

Meeting Accommodations: USDA is committed to ensuring that everyone is accommodated in our work environment, programs, and events. If you are a person with a disability and request reasonable accommodations to participate in this meeting, please note the request in your registration and you may contact Mrs. Kenya Nicholas in advance of the meeting by or before close of business September 17, 2014, by phone (202) 720–6350, fax (202) 720–7136, or email: *ACBFR@osec.usda.gov.*

Issued in Washington, DC, this 2nd day of September, 2014.

Christian Obineme,

Associate Director, Office of Advocacy and Outreach.

[FR Doc. 2014–21244 Filed 9–5–14; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

State Advisory Committees

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of period during which individuals may apply to be appointed to the Arkansas Advisory Committee, Florida Advisory Committee, Massachusetts Advisory Committee, Michigan Advisory Committee, Texas Advisory Committee, and Wisconsin Advisory Committee; request for applications.

SUMMARY: Because the terms of the members of the Arkansas Advisory Committee are expiring on January 3, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Arkansas Advisory Committee, and applicants must be residents of Arkansas to be considered. Letters of interest must be received by the Central Regional Office of the U.S. Commission on Civil Rights no later than October 1, 2014. Letters of interest must be sent to the address listed below.

Because the terms of the members of the Florida Advisory Committee are expiring on January 3, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Florida Advisory Committee, and applicants must be residents of Florida to be considered. Letters of interest must be received by the Southern Regional Office of the U.S. Commission on Civil Rights no later than October 1, 2014. Letters of interest must be sent to the address listed below.

Because the terms of the members of the Massachusetts Advisory Committee are expiring on January 3, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Massachusetts Advisory Committee, and applicants must be residents of Massachusetts to be considered. Letters of interest must be received by the Eastern Regional Office of the U.S. Commission on Civil Rights no later than October 1, 2014. Letters of interest must be sent to the address listed below.

Because the terms of the members of the Michigan Advisory Committee are expiring on January 3, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Michigan Advisory Committee, and applicants must be residents of Michigan to be considered. Letters of interest must be received by the Midwestern Regional Office of the U.S. Commission on Civil Rights no later than October 1, 2014. Letters of interest must be sent to the address listed below.

Because the terms of the members of the Texas Advisory Committee are expiring on January 3, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Texas Advisory Committee, and applicants must be residents of Texas to be considered. Letters of interest must be received by the Western Regional Office of the U.S. Commission on Civil Rights no later than October 1, 2014. Letters of interest must be sent to the address listed below.

Because the terms of the members of the Wisconsin Advisory Committee are expired, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Wisconsin Advisory Committee, and applicants must be residents of Wisconsin to be considered. Letters of interest must be received by the Midwestern Regional Office of the U.S. Commission on Civil Rights no later than October 1, 2014. Letters of interest must be sent to the address listed below.

DATES: Letters of interest for membership on the Arkansas Advisory Committee should be received no later than October 1, 2014.

Letters of interest for membership on the Florida Advisory Committee should be received no later than October 1, 2014.

Letters of interest for membership on the Massachusetts Advisory Committee should be received no later than October 1, 2014.

Letters of interest for membership on the Michigan Advisory Committee should be received no later than October 1, 2014.

Letters of interest for membership on the Texas Advisory Committee should be received no later than October 1, 2014.

Letters of interest for membership on the Wisconsin Advisory Committee should be received no later than October 1, 2014.

ADDRESSES: Send letters of interest for the Arkansas Advisory Committee to: U.S. Commission on Civil Rights, Central Regional Office, 400 State Avenue, Suite 908, Kansas City, KS 66101. Letter can also be sent via email to *csanders@usccr.gov.*

Send letters of interest for the Florida Advisory Committee to: U.S. Commission on Civil Rights, Southern Regional Office, 61 Forsyth St. SW., Suite 16T126, Atlanta, GA 30303. Letters can also be sent via email to *teasterling@usccr.gov.*

Send letters of interest for the Massachusetts Advisory Committee to: U.S. Commission on Civil Rights, Eastern Regional Office, 1331 Pennsylvania Ave NW., Suite 1150, Washington, DC 20425. Letters can also be sent via email to *bdelaviez@usccr.gov.*

Send letters of interest for the Michigan Advisory Committee or Wisconsin Advisory Committees to: U.S. Commission on Civil Rights, Midwestern Regional Office, 55 W. Monroe St., Suite 410, Chicago, IL 60603. Letter can also be sent via email to *callen@usccr.gov.*

Send letters of interest for the Texas Advisory Committee to: U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles St., Suite 2010, Los Angeles, CA 90012. Letter can also be sent via email to *atrevino@usccr.gov.*

FOR FURTHER INFORMATION CONTACT: David Mussatt, Chief, Regional Programs Unit, 55 W. Monroe St., Suite 410, Chicago, IL 60603, (312) 353–8311. Questions can also be directed via email to *dmussatt@usccr.gov.*

SUPPLEMENTARY INFORMATION: The Arkansas, Florida, Michigan, Massachusetts, Texas, and Wisconsin State Advisory Committees (SAC) are statutorily mandated advisory committees of the U.S. Commission on Civil Rights pursuant to 42 U.S.C. § 1975a. Under the charter for the SACs, the purpose is to provide advice and recommendations to the U.S. Commission on Civil Rights (Commission) on a broad range of civil rights matters in its respective state that pertain to alleged deprivations of voting rights or discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or the administration of justice. SACs also provide assistance to the Commission in its statutory obligation to serve as a national clearinghouse for civil rights information.

The SAC consists of not more than 19 members, each of whom will serve a two-year term. Members serve as unpaid Special Government Employees who are reimbursed for travel and expenses. To be eligible to be on a SAC, applicants must be residents of the respective state and have demonstrated expertise or interest in civil rights issues.

The Commission is an independent, bipartisan agency established by Congress in 1957 to focus on matters of race, color, religion, sex, age, disability, or national origin. Its mandate is to:

- Investigate complaints from citizens that their voting rights are being deprived,
- Study and collect information about discrimination or denials of equal protection under the law,
- Appraise federal civil rights laws and policies,
- Serve as a national clearinghouse on discrimination laws,
- Submit reports and findings and recommendations to the President and the Congress, and
- Issue public service announcements to discourage discrimination.

The Commission invites any individual who is eligible to be appointed a member of the Arkansas, Florida, Michigan, Massachusetts, Texas, or Wisconsin Advisory Committee covered by this notice to send a letter of interest and a resume to the respective address above.

Dated in Chicago, IL, on September 2, 2014.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2014–21229 Filed 9–5–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Institute of Standards and Technology (NIST).

Title: Small Business Innovation Research (SBIR) Program Application Cover Sheet.

OMB Control Number: 0693–XXXX.

Form Number(s): N/A

Type of Request: Regular.

Number of Respondents: 100.

Average Hours per Response: 1 hour.

Burden Hours: 100.

Needs and Uses: The U.S. Small Business Administration (SBA) serves as the coordinating agency for the SBIR program. It directs the agency implementation of SBIR, reviews progress, and reports annually to Congress on its operation.

The information collected in the Cover Sheet provides identifying information and demographic data for use in NIST's annual report to the SBA on the program. The technical abstract is used in prevention of fraud, waste, and abuse by providing a method to compare similar applications to other agency SBIR programs. The abstract and potential commercial applications of successful applicants are posted on the agency Web site.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: September 3, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–21300 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1946]

Reorganization of Foreign-Trade Zone 62 Under Alternative Site Framework Brownsville, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the Brownsville Navigation District, grantee of Foreign-Trade Zone 62, submitted an application to the Board (FTZ Docket B–103–2013, docketed 12–04–2013) for authority to reorganize under the ASF with a service area of Cameron County, Texas, within and adjacent to the Brownsville Customs and Border Protection port of entry, to renumber a 71-acre portion of Site 1 as Site 5, and to categorize FTZ 62's existing Sites 1, 2, 3, 4 and 5 as magnet sites;

Whereas, notice inviting public comment was given in the **Federal Register** (78 FR 73823, 12–09–2013) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 62 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to a five-year ASF sunset provision for magnet sites that would terminate authority for Sites 2, 3, 4 and 5 if not activated by August 31, 2019.

Signed at Washington, DC, this 29th day of August 2014.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2014–21331 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 140814669–4669–01]

Notice of Foreign Availability Assessment: Anisotropic Plasma Dry Etching Equipment

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice of Initiation of a Foreign Availability Assessment and Request for Comments.

SUMMARY: This notice is to announce that the Bureau of Industry and Security (BIS) is initiating a foreign availability assessment pursuant to section 5(f) of the Export Administration Act of 1979, as amended (EAA). BIS's Office of Technology Evaluation (OTE) will oversee the assessment of the foreign availability in China of anisotropic plasma dry etching equipment. BIS is also seeking public comments on the foreign availability of this equipment in China.

DATES: Comments must be received by September 23, 2014.

ADDRESSES: You may submit comments by any of the following methods:

• Email: *EtchComments@bis.doc.gov.* Include the phrase ''Plasma Dry Etch FA Study'' in the subject line;

• On paper to Orestes Theocharides, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce, Room 1093, 1401 Constitution Avenue NW., Washington, DC 20230, or his email at *orestes.theocharides@bis.doc.gov.* Include the phrase ''Plasma Dry Etch FA Study''; or

• Fax to (202) 482–5361. Include the phrase ''Plasma Dry Etch FA Study''.

FOR FURTHER INFORMATION CONTACT: Gerard Horner, Director, Office of Technology Evaluation, Bureau of Industry and Security, Department of Commerce, Washington, DC 20230, Telephone: (202) 482–2078; email: *gerard.horner@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 5(f) of the Export Administration Act of 1979, as amended (EAA), authorizes the Secretary of Commerce to conduct foreign availability assessments to examine and reevaluate the effectiveness of U.S. dual-use export controls on certain items that are controlled for national security reasons under the Export Administration Regulations (EAR). The Bureau of Industry and Security (BIS) has been delegated the responsibility of conducting these assessments and compiling a final report for the Secretary's review and consideration when issuing a final foreign availability determination. Part 768 of the EAR sets forth the procedures related to foreign availability assessments. BIS is publishing this notice to announce the initiation of an assessment and to request public comments on certain aspects of the item under review.

Foreign Availability Assessment

On behalf of the Secretary, BIS has initiated an assessment in response to a foreign availability claim received from the Semiconductor Equipment and Materials International (SEMI) industry association. The SEMI claim asserts the foreign availability of anisotropic plasma dry etching equipment in China from Chinese sources. The etching equipment in China is allegedly designed or optimized to produce critical dimensions of 65 nm or less; *and* within-wafer non-uniformity equal to or less than 10% 3σ measured with an edge exclusion of 2 mm or less.

Items with these capabilities are currently controlled in the U.S. for national security reasons under Export Control Commodity Classification Number (ECCN) 3B001.c on the Commerce Control List (Supplement No. 1 to Part 774 of the EAR). U.S. controls do not allow this item to be exported to China without a license. This type of semiconductor etching equipment is used in the production process of a variety of dual-use semiconductor devices such as flash memories, microwave monolithic integrated circuits, transistors, and analog-to-digital-converters. These devices are suitable for use in a variety of both civil and military applications that include different types of radars, point-to-point radio communications, microprocessors, cellular infrastructure, and satellite communications.

The SEMI claim asserts that anisotropic plasma dry etch equipment of comparable quality to those subject to control under 3B001.c are available-in-fact from Chinese sources in sufficient quantities to render the U.S. export control of the etch equipment ineffective.

BIS has reviewed the SEMI claim and determined that it has sufficient evidence to assess whether or not foreign availability of this etch equipment from Chinese sources exists. Therefore, BIS is initiating a foreign availability assessment of anisotropic plasma dry etching equipment designed or optimized to produce critical dimensions of 65 nm or less; *and* within-wafer non-uniformity equal to or less than 10% 3σ measured with an edge exclusion of 2 mm or less. Upon completion of the assessment, BIS will submit its findings to the Secretary of Commerce, who in turn will issue a final determination for the Department. The final determination will be published in the **Federal Register**.

Request for Comments

To assist in assessing the foreign availability, described above, of this anisotropic plasma dry etch equipment, BIS is seeking public comments and submissions that relate to the following information:

• Product names and model designations of anisotropic plasma dry etch equipment that are made in China and that are comparable to the U.S. anisotropic plasma dry etch equipment designed or optimized to produce critical dimensions of 65 nm or less; *and* within-wafer non-uniformity equal to or less than 10% 3σ measured with an edge exclusion of 2 mm or less. (U.S. dry etch equipment);

• names and locations of Chinese companies that produce and export indigenously-produced anisotropic plasma dry etch equipment comparable to U.S. dry etch equipment;

• Chinese production quantities, sales, and/or exports of anisotropic plasma dry etch equipment comparable to U.S. dry etch equipment;

• data on U.S. imports of Chinese anisotropic plasma dry etch equipment comparable to U.S. dry etch equipment, and/or testing and analysis of such dry etch equipment;

• estimates of the economic impact on U.S. companies of the export controls on the U.S. dry etch equipment.

Any tangible evidence to support the above information would also be useful to BIS in its conduct of this assessment. Examples of other useful evidence are found in Supplement No. 1 to Part 768 of the EAR.

Submission of Comments

All comments may be submitted by any of the methods indicated in this notice. All comments must be in writing (either submitted by email or on paper).

BIS encourages interested persons who wish to comment to do so at the earliest possible time. The period for submission of comments will close on September 23, 2014. BIS will consider all comments received before the close of the comment period. Comments received after the close of the comment period will be considered if possible, but their consideration cannot be assured.

BIS will accept comments or information accompanied by a request that part or all of the material be treated confidentially because of its proprietary nature. The information for which confidential treatment is requested must be submitted to BIS separately from non-confidential information. Each page containing company confidential information must be marked ''Confidential Information.'' Please be careful to mark only that information that is legitimately company confidential, trade secret, proprietary, or financial information with the ''confidential information'' designation. BIS will seek to protect such information to the extent permitted by law. If submitted information fails to meet the standards for confidential treatment, BIS will immediately return the information to the submitter.

Information submitted in response to this notice, and not deemed confidential, will be a matter of public record and will be available for public inspection and copying. Comments received in response to this notice will be displayed on BIS's Freedom of Information Act (FOIA) Web site at *http://efoia.bis.doc.gov/.*

Dated: August 28, 2014.

Matthew Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2014–21211 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–891]

Hand Trucks and Certain Parts Thereof From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* September 8, 2014.

SUMMARY: The Department of Commerce (the Department) is currently conducting an administrative review of the antidumping duty order on hand trucks and certain parts thereof (hand trucks) from the People's Republic of China (PRC).[1] The period of review (POR) is December 1, 2012, through November 30, 2013. This administrative review covers three exporters of the subject merchandise: New-Tec Integration (Xiamen) Co., Ltd.'s (New-Tec); Yangjiang Shunhe Industrial Co. (Shunhe); and Full Merit Enterprise Limited (Full Merit).

We preliminarily determine that New-Tec's weighted-average dumping margin is zero. We are not making a determination of no shipments with respect to Shunhe (*see* ''No Shipment Certifications,'' *infra*). In addition, we are not rescinding this review with respect to Full Merit at this time (*see* ''Intent Not to Rescind in Part,'' *infra*). We invite interested parties to comment on these preliminary results.

FOR FURTHER INFORMATION CONTACT: Scott Hoefke, or Davina Friedmann, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4947 or (202) 482–0698, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order consists of hand trucks manufactured from any material, whether assembled or unassembled, complete or incomplete, suitable for any use, and certain parts thereof, namely the vertical frame, the handling area and the projecting edges or toe plate, and any combination thereof. They are typically imported under heading 8716.80.50.10 of the Harmonized Tariff Schedule of the United States (HTSUS), although they may also be imported under heading 8716.80.50.90 and 8716.90.50.60. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum, dated concurrently with and hereby adopted by this notice.[2]

No Shipments Certification

On April 10, 2014, we received an entry of appearance and certification of no shipments from Shunhe. Also on April 10, 2014, the Department sent an inquiry to U.S. Customs and Border Protection (CBP) to determine whether CBP entry data is consistent with the no shipments certification from Shunhe. The Department received no information contrary to Shunhe's claim of no shipments. Since Shunhe was part of the PRC-wide entity at the outset of this administrative review, and continues to be part of the PRC-wide entity in this administrative review, we are not making a determination of no shipments with respect to Shunhe for the preliminary results of the instant administrative review.

Intent Not To Rescind Review in Part

We have received a timely request for withdrawal of the administrative review request for Full Merit and there is no other review request outstanding for that company. For a company named in the *Initiation Notice*[3] for which a review request has been withdrawn (in this case, Full Merit), but which has not previously received separate rate status, the Department's practice is to refrain from rescinding the review with respect to that company at this time. While Full Merit's request for review was timely withdrawn, Full Merit remains part of the PRC-wide entity. Although the PRC-wide entity is not under review for these preliminary results, the possibility exists that the PRC-wide entity may be reviewed for the final results of this administrative review.[4] Therefore, we

[1] *See Notice of Antidumping Duty Order: Hand Trucks and Certain Parts Thereof From the People's Republic of China,* 69 FR 70122 (December 2, 2004).

[2] *See* ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Hand Trucks and Certain Parts Thereof from the People's Republic of China; 2012–2013'' from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated August 28, 2014 (Preliminary Decision Memorandum), issued concurrently with and hereby adopted by this notice.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 79 FR 6147 (February 3, 2014) (*Initiation Notice*).

[4] On November 4, 2013, the Department announced a change in practice for all antidumping administrative reviews for which the notice of opportunity to request an admininstrative review is published on or after December 4, 2014. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Proceedings,* 78 FR 65963 (November 4, 2013). The opportunity to request this review published on December 3, 2013; therefore, the changes to the Department's practice are not applicable to this review. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 78 FR 72636 (December 3, 2013).

are not rescinding this review with respect to Full Merit at this time. We intend to rescind this review with respect to Full Merit in the final results if the PRC-wide entity does not come under review for the final results of this administrative review.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, please see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

The Department preliminarily determined that the following dumping margin exists for the period December 1, 2012, through November 30, 2013:

Manufacturer/exporter	Weighted-average margin (percent)
New-Tec Integration (Xiamen) Co., Ltd.	0.00

Disclosure and Public Comment

The Department intends to disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[5] Interested parties may submit case briefs no later than 30 days after the date of publication of the preliminary results.[6] Rebuttals to case briefs may be filed no later than five days after the deadline for filing case briefs and all rebuttal comments must be limited to comments raised in the case briefs.[7] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[8] Case and rebuttal briefs must be filed electronically via IA ACCESS.[9]

Any interested party may request a hearing within 30 days of publication of this notice.[10] Hearing requests should contain the following information: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the case briefs. If a request for a hearing is made, parties will be notified of the date and time for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[11]

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any briefs, within 120 days after the publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon issuing the final results of the review, the Department shall determine, and U.S. CBP shall assess, antidumping duties on all appropriate entries covered by this review.[12] The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we will calculate, where appropriate, either an *ad valorem* or per-unit assessment rate for each importer (or customer).[13] The per-unit assessment rate will be based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered quantity of those same sales. The *ad valorem* assessment rate will be based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales.

We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

On October 24, 2011, the Department announced a refinement to its assessment practice in NME cases.[14] Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.[15]

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements, when imposed, will apply to all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for New-Tec, which has a separate rate, will be the cash deposit rate established in the final results of this review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for any previously reviewed or investigated PRC and non-PRC exporter not listed above that received a separate rate in a previous segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity (*i.e.,* 383.60 percent); and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied the non-PRC

[5] *See* 19 CFR 351.224(b).

[6] *See* 19 CFR 351.309(c)(ii).

[7] *See* 19 CFR 351.309 (d).

[8] *See* 19 CFR 351.309(c)(2) and (d)(2).

[9] *See* 19 CFR 351.303(b).

[10] *See* 19 CFR 351.310(c).

[11] *See* 19 CFR 351.310(d).

[12] *See* 19 CFR 351.212(b).

[13] In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[14] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[15] *See id.*

exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: August 28, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

1. Background
2. Scope of the Order
3. Certification of No Shipments
4. Intent Not To Rescind Review in Part
5. Non-Market-Economy Country Status
6. Separate Rates Determination
7. Absence of De Jure Control
8. Absence of De Facto Control
9. Surrogate Country
10. Fair Value Comparisons
11. U.S. Price
12. Normal Value
13. Factors Valuation
14. Currency Conversion

[FR Doc. 2014–21332 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–012]

Carbon and Certain Alloy Steel Wire Rod From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''Department'') preliminarily determines that carbon and certain alloy steel wire rod (''steel wire rod'') from the People's Republic of China (''PRC'') is being, or is likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733(b) of the Tariff Act of 1930, as amended (''the Act''). The period of investigation (''POI'') is July 1, 2013, through December 31, 2013. The weighted-average dumping margins are shown in the ''Preliminary Determination'' section of this notice. We invite interested parties to comment on this preliminary determination.

DATED: *Effective Date:* September 8, 2014.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Brandon Custard, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1766 and (202) 482–1823, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The merchandise covered by this investigation is certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately circular cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Methodology

The Department conducted this investigation in accordance with section 733 of the Act. Because certain companies, including the mandatory respondents,[1] in this investigation did not cooperate to the best of their ability with the Department's requests for information, the Department preliminarily determines that the application of adverse facts available (''AFA'') is warranted for this preliminary determination, in accordance with section 776 of the Act and 19 CFR 351.308.

For a full description of the methodology underlying our conclusions, *see* ''Decision Memorandum for the Preliminary Determination in the Antidumping Duty Investigation of Carbon and Certain Alloy Steel Wire Rod from the People's Republic of China,'' from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance (''Preliminary Decision Memorandum''), dated concurrently with, and hereby adopted by, this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Combination Rates

In the *Initiation Notice,* the Department stated that it would calculate combination rates for the respondents that are eligible for a separate rate in this investigation.[2] This

[1] The mandatory respondents in this investigation are Benxi Beiying Iron and Steel Group Imp. and Exp. Corp. Ltd. and Tangshan Iron and Steel Group Co. Ltd.

[2] *See Carbon and Certain Alloy Steel Wire Rod From the People's Republic of China: Initiation of Antidumping Duty Investigation,* 78 FR 11077, 11081 (February 27, 2014) (''*Initiation Notice''*).

practice is described in Policy Bulletin 05.1.[3]

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter	Producer	Weighted-average dumping margin (percent)
Rizhao Steel Wire Co., Ltd	Rizhao Steel Wire Co., Ltd	106.19
Hunan Valin Xiangtan Iron & Steel Co., Ltd	Hunan Valin Xiangtan Iron & Steel Co., Ltd	106.19
Jiangsu Shagang International Trade Co., Ltd	Zhangjiagang Shajing Steel Co. Ltd	106.19
Jiangsu Shagang International Trade Co., Ltd	Zhangjiagang Runzhong Steel Co., Ltd	106.19
Jiangsu Shagang International Trade Co., Ltd	Zhangjiagang Hongxing Gaoxian Co., Ltd	106.19
Jiangsu Shagang International Trade Co., Ltd	Zhangjiagang Rongsheng Steel-Making Co., Ltd	106.19
Jiangsu Shagang International Trade Co., Ltd	Jiangsu Runzhong High-Tech Co., Ltd	106.19
Jiangsu Shagang International Trade Co., Ltd	Zhangjiagang Hongchang Gaoxian Co., Ltd	106.19
PRC-wide Entity *		110.25

* As detailed in the Preliminary Decision Memorandum, the PRC-wide entity includes, among other companies Benxi Beiying Iron and Steel Group Imp. and Exp. Corp. Ltd.,[4] Tangshan Iron and Steel Group Co. Ltd., Angang Group International Trade Corporation, Qingdao Iron and Steel Co., Ltd., Jiangsu Yonggang Group Co. Ltd., and Baotou Steel International Economic & Trading Co., Ltd.

Preliminary Affirmative Determination of Critical Circumstances, in Part

On June 4, 2014, the petitioners[5] filed a timely critical circumstances allegation, pursuant to section 733(e)(1) of the Act and 19 CFR 351.206(c)(1), alleging that critical circumstances exist with respect to imports of steel wire rod from the PRC.[6] We preliminarily determine that critical circumstances do not exist for the separate rate companies,[7] but do exist for the PRC-wide entity. A discussion of our determination can be found in the Preliminary Decision Memorandum at the section, ''Critical Circumstances.''

Disclosure and Public Comment

The Department intends to disclose calculations performed for this preliminary determination to the parties within five days after the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance via IA ACCESS no later than 30 days after the date of publication of this preliminary determination notice, and rebuttal briefs, limited to issues raised in case briefs, must be submitted via IA ACCESS no later than five days after the deadline for filing case briefs.[8] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate in a hearing if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance. An electronically filed request must be submitted via IA ACCESS within 30 days after the date of publication of this notice.[9] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants in the hearing; and (3) a list of the issues to be discussed at the hearing. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing, two days before the scheduled date.

All documents submitted to IA ACCESS must be received successfully in their entirety by no later than 5:00 p.m. Eastern Daylight Time on the day in which the document is due.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will instruct U.S. Customs and Border Protection (''CBP'') to suspend liquidation of all entries of steel wire rod from the PRC, as described in the ''Scope of Investigation'' section, entered or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. As described above, we preliminarily find that critical circumstances exist for imports of steel wire rod from the PRC produced or exported by the PRC-wide entity. Accordingly, for the PRC-wide entity, in accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date

[3] *See* Policy Bulletin No. 05.1, regarding ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries'' (April 5, 2005) (''Policy Bulletin 05.1''), available at *http://enforcement.trade.gov/policy/bull05-1.pdf*.

[4] For the reasons explained in the Preliminary Decision Memorandum, the Department finds it appropriate to consider Bei Tai Iron and Steel Group Imp. and Exp. (Dalian) Co., Ltd. (Beitai) a part of Benxi Beiying Iron and Steel Group Imp. and Exp. Corp. Ltd. for this preliminary determination. *See* Preliminary Decision Memorandum at the section, ''The PRC-Wide Entity.''

[5] The Petitioners are ArcelorMittal USA LLC, Charter Steel, Evraz Pueblo (formerly Evraz Rocky Mountain Steel), Gerdau Ameristeel US Inc., Keystone Consolidated Industries, Inc., and Nucor Corporation.

[6] *See* the Petitioners' Letter to the Secretary of Commerce, ''Carbon and Certain Alloy Steel Wire Rod From the People's Republic of China—Critical Circumstances Allegations,'' dated June 4, 2014.

[7] Rizhao Steel Wire Co., Ltd., Hunan Valin Xiangtan Iron & Steel Co., Ltd., and Jiangsu Shagang International Trade Co., Ltd. (collectively, the separate rate companies).

[8] *See* 19 CFR 351.309.

[9] *See also* 19 CFR 351.310(c).

which is 90 days before the publication of this notice.

Pursuant to 19 CFR 351.205(d), we will instruct CBP to require a cash deposit [10] for all suspended entries at an *ad valorem* rate equal to the weighted-average amount by which normal value exceeds U.S. price, adjusted where appropriate for export subsidies and estimated domestic subsidy pass-through [11] where, as here, the product under investigation is also subject to a concurrent countervailing duty (''CVD'') investigation: (1) For those PRC exporter/producer combinations listed in the table above, the cash deposit rates will be the rates shown in that table; (2) for all combinations of PRC exporters/producers of merchandise under consideration that have not received their own separate rate above, the cash-deposit rate will be the cash deposit rate established for the PRC-wide entity; and (3) for all non-PRC exporters of merchandise under consideration which have not received their own separate rate above, the cash-deposit rate will be the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter. These suspension of liquidation and cash deposit instructions will remain in effect until further notice.

Furthermore, as stated above and consistent with our practice, we will instruct CBP to require a cash deposit equal to the amount by which the normal value exceeds the export price or constructed export price, less the amount of the CVD determined to constitute an export subsidy. In this LTFV investigation, we have not adjusted the preliminary cash deposit rates for export subsidies. With respect to the separate rate companies which were not individually investigated, we find that no export-subsidy adjustment to the rates is warranted because these companies are currently subject to the CVD rate calculated for ''All Others'' in the preliminary determination of the companion CVD investigation, and we did not include any export subsidies in the calculation of that CVD rate.[12] Accordingly, we made no adjustment to the AD cash deposit rate for the separate rate companies. With respect to the PRC-wide entity, we find that no export-subsidy adjustment is warranted, as AFA, because the lowest export subsidy amount included in a CVD rate to which PRC-wide entries are currently subject is zero. Accordingly, we made no adjustment to the AD cash deposit rate for the PRC-wide entity.

We are not adjusting the preliminary determination rates for estimated domestic subsidy pass through because we have no basis upon which to make such an adjustment. *See* Preliminary Decision Memorandum at the section, ''Section 777A(f) of the Act.''

International Trade Commission (''ITC'') Notification

In accordance with section 733(f) of the Act, we notified the ITC of our preliminary affirmative determination of sales at LTFV. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: August 29, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

List of Topics Discussed in the Preliminary Decision Memorandum

1. Background
2. Period of Investigation
3. Scope of Investigation
4. Scope Comments
5. Respondent Selection
6. Discussion of the Methodology
   a. Non-Market Economy Country
   b. Separate Rates
   c. PRC-Wide Entity
   d. Application of Facts Available and Adverse Inferences
   e. Corroboration of the AFA Rate
   f. Margin for the Separate Companies
   g. Combination Rates
7. Critical Circumstances
8. Verification
9. Section 77A(f) of the Act
10. ITC Notification

[FR Doc. 2014–21335 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–DS–P

[10] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

[11] *See* sections 772(c)(1)(C) and 777A(f) of the Act, respectively. Unlike in administrative reviews, the Department calculates the adjustment for export subsidies in investigations not in the margin calculation program, but in the cash deposit instructions issued to CBP. *See Notice of Final Determination of Sales at Less Than Fair Value, and Negative Determination of Critical Circumstances: Certain Lined Paper Products from India,* 71 FR 45012 (August 8, 2006), and accompanying Issues and Decision Memorandum at Comment 1.

[12] *See Carbon and Certain Alloy Steel Wire Rod From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination,* 79 FR 38490, 38491 (July 8, 2014), and accompanying Preliminary Decision Memorandum at 26–28.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD489

Endangered and Threatened Species; Initiation of 5-Year Review

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of initiation of 5-year review; request for information.

SUMMARY: NMFS announces a 5-year review of the southern right whale (*Eubalaena australis*) and sperm whale (*Physeter macrocephalus)* under the Endangered Species Act of 1973, as amended (ESA). A 5-year review is a periodic process conducted to ensure that the listing classification of a species is accurate. A 5-year review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any information on southern right whales and sperm whales that has become available since their last 5-year review in 2007 and 2009, respectively.

DATES: To allow us adequate time to conduct this review, we must receive your information no later than November 7, 2014. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0113, by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking Portal *www.regulations.gov.* To submit comments via the e-Rulemaking Portal, first click the ''submit a comment'' icon, then enter NOAA–NMFS–2014–0113 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the ''Submit a Comment'' icon on the right of that line.
- Mail or hand-delivery: Angela Somma, National Marine Fisheries Service, Office of Protected Resources, Endangered Species Division, 1325 East West Highway, Silver Spring, MD 20910.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Therese Conant, Office of Protected Resources, 301–427–8456.

SUPPLEMENTARY INFORMATION: Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every five years. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the southern right whale and sperm whale.

Public Solicitation of New Information

To ensure that the 5-year review is complete and based on the best available scientific and commercial information, we are soliciting new information from the public, governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of the southern right whale and sperm whale. The 5-year review considers the best scientific and commercial data and all new information that has become available since the listing determination or most recent status review. Categories of requested information include: (1) Species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics; (2) habitat conditions including, but not limited to, amount, distribution, and suitability; (3) conservation measures that have been implemented that benefit the species; (4) status and trends of threats; and (5) other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year review and will also be useful in evaluating the ongoing recovery program for the southern right whale and sperm whale. For example, information on conservation measures will assist in tracking implementation of recovery actions.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: September 2, 2014.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–21239 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD491

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a meeting of the Special Red Drum Working Group.

DATES: The meeting will be held from 9 a.m. on Wednesday, September 24 until 5 p.m. on Thursday, September 25, 2014.

ADDRESSES: The meeting will be held at the Gulf of Mexico Fishery Management Council office, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Ryan Rindone, Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *ryan.rindone@gulfcouncil.org*.

SUPPLEMENTARY INFORMATION: The items of discussion on the agenda are as follows:

Special Red Drum Working Group Agenda, Wednesday, September 24, 2014, 9 a.m. Until Thursday, September 25, 2014, 5 p.m.

1. Adoption of Agenda
2. Review of Council Charge to the Working Group
3. Overview of Known State-collected Data
4. Review of Available Landings Data
5. Overview of Data-poor Methods and Associated Data Requirements
6. Review of State Methodologies for Determining Juvenile Escapement
7. Other Business

This agenda may be modified as necessary to facilitate the discussion of pertinent materials up to and during the scheduled meeting.

For meeting materials see folder ''Special Red Drum Working Group meeting—2014—09'' on Gulf Council file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's Web site and click on the FTP link in the lower left of the Council Web site (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''. The name of the folder on the FTP server is ''Special Red Drum Working Group meeting—2014–09''.

The meeting will be webcast over the Internet. A link to the webcast will be available on the Council's Web site, *http://www.gulfcouncil.org*.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 3, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–21288 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD488

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, September 24, 2014 at 9 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Hotel Providence, 139 Mathewson Street, Providence, RI 02903; telephone: (401) 861–4306; fax: (401) 454–4306.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Committee will review 2014 scallop survey results and preliminary recommendations from the Scallop Plan Development Team for FY 2015 and FY 2016 (default) fishery specifications (Framework 26). The Committee will also provide input on other measures under consideration in Framework 26: (1) Measures to allow fishing in state waters after federal Northern Gulf of Maine (NGOM) TAC is reached; (2) measures to make turtle regulations consistent in the scallop fishery; (3) measures to modify the existing area closure accountability measures in place for Georges Bank and Southern New England/Mid-Atlantic yellowtail flounder, and develop new accountability measures for northern windowpane flounder; and (4) consider an inshore transit corridor for limited access scallop vessels to declare out of the fishery. The Committee will also provide input on potential Council work priorities for 2015 related to the scallop management plan. The Council is expected to discuss these issues at the September Council meeting.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 3, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–21290 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD490

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting (conference call) of the Gulf of Mexico Fishery Management Council.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a meeting of its Coral Workshop Group via conference call.

DATES: The meeting will convene at 10 a.m. (E.S.T.) on Monday, September 22, 2014.

ADDRESSES: *Meeting address:* The meeting will be held via conference call; *https://www4.gotomeeting.com/register/262891823*.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Morgan Kilgour, Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *morgan.kilgour@gulfcouncil.org*.

SUPPLEMENTARY INFORMATION: The items of discussion on the agenda are as follows:

Coral Workshop agenda, Monday, September 22, 2014, 10 a.m. E.S.T. (9 a.m. C.S.T.) until 12 p.m.

1. Adoption of agenda
2. Council charge—''to determine the criteria and boundaries, and other specifics for potential sites, and once that has been determined, that this group meet with representatives of any potentially impacted fisheries and members of law enforcement.''
3. Brief review of management options
4. Presentation on previous methodology in Southern California
5. Discuss criteria for identifying sites
   a. Identify appropriate metrics (species richness, rarity, etc.)
   b. Identify measurable units (e.g. lease blocks) for determining boundaries
6. Identify potential data needs
   a. Available data
   b. Potential fishery interactions
   c. Identify additional data that are needed
7. Other Business

Adjourn

The Agenda is subject to change, and the latest version will be posted on the Council's file server, which can be accessed by going to the Council Web site at *http://www.gulfcouncil.org* and clicking on FTP Server under Quick Links. For meeting materials see folder ''Coral Workshop meeting—2014–09'' on Gulf Council file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's Web site and click on the FTP link in the lower left of the Council Web site (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 2, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–21246 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD435

Marine Fisheries Advisory Committee Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee (MAFAC). The members will discuss and provide advice on issues outlined under SUPPLEMENTARY INFORMATION below.

DATES: The meeting will be held September 23–25, 2014 from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Silver Spring Civic Center, One Veterans Plaza, Silver Spring, MD 20910; 240–777–5350.

FOR FURTHER INFORMATION CONTACT: Heidi Lovett, Acting MAFAC Executive Director; (301) 427–8004; email: *Heidi.Lovett@noaa.gov.*

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given of a meeting of MAFAC. The MAFAC was established by the Secretary of Commerce (Secretary), and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The complete charter and summaries of prior meetings are located online at *http://www.nmfs.noaa.gov/ocs/mafac/.*

Matters To Be Considered

This meeting time and agenda are subject to change.

The meeting is convened to hear presentations and discuss policies and guidance on the following topics: Improving recovery of protected resources, recreational fisheries policy, the proposed rule for the aquaculture plan for Federal waters of the Gulf of Mexico, climate science advice and the regulatory process, regulatory discards and the EU landings obligation, and cost recovery/cost sharing models. The meeting will include discussion of various MAFAC administrative and organizational matters and may include meetings of the standing subcommittees.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Heidi Lovett, Acting MAFAC Executive Director; 301–427–8004 by September 16, 2014.

Dated: September 3, 2014.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–21315 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Admittance to Practice.

Agency Approval Number: 0651–0012.

Type of Request: Revision of a currently approved collection.

Burden: 34,773 hours annually.

Number of Respondents: 21,860 responses per year.

Avg. Hours per Response: The USPTO estimates that it will take the public approximately 3 minutes (0.05 hours) to 40 hours to prepare the appropriate form or documents and submit to the USPTO.

Needs and Uses: The OED director uses the information in this collection to determine whether the applicate is of good moral character and repute; has the necessary legal, scientific, and technical qualifications; and is otherwise competent to advise and assist applicants in the presentation and prosecution of patent applications.

The USPTO uses applicate information in determining whether an applicant may be added to, or an existing practitioner may remain on, the Register of Patent Attorneys and Agents.

Affected Public: Businesses or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at *www.reginfo.gov.*

Paper copies can be obtained by:

• Email: *InformationCollection@uspto.gov.* Include ''0651–0012 copy request'' in the subject line of the message.

• Mail: Margaret McElrath, Deputy Director, Office of Information Management Services, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before October 8, 2014 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: September 2, 2014.

Margaret McElrath,

Deputy Director, Office of Information Management Services, Office of the Chief Information Officer.

[FR Doc. 2014–21274 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No.: PTO–P–2014–0028]

Grant of Interim Extension of the Term of U.S. Patent No. 5,686,060; LUMASON™ (sulfur hexafluoride microbubble)

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of Interim Patent Term Extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting interim extension under 35 U.S.C. 156(d)(5) for a one-year interim extension of the term of U.S. Patent No. 5,686,060.

FOR FURTHER INFORMATION CONTACT: Mary C. Till by telephone at (571) 272–7755; by mail marked to her attention and addressed to the Commissioner for Patents, Mail Stop Hatch-Waxman PTE, P.O. Box 1450, Alexandria, VA 22313–

1450; by fax marked to her attention at (571) 273–7755; or by email to *Mary.Till@uspto.gov.*

SUPPLEMENTARY INFORMATION: Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to five years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review, and that the patent may be extended for interim periods of up to one year if the regulatory review is anticipated to extend beyond the expiration date of the patent.

On May 13, 2014, Bracco Suisse SA, the patent owner of record, timely filed an application under 35 U.S.C. § 156(d)(5) for an interim extension of the term of U.S. Patent No. 5,686,060. The patent claims the human drug product LUMASON™, sulfur hexafluoride microbubbles. The application indicates that Bracco Diagnostics Inc., an affiliate of patent owner Bracco Suisse SA, initially submitted a New Drug Application (NDA) #21–315 to the Food and Drug Administration (FDA) on January 21, 2001, and withdrew NDA #21–315 on December 20, 2007. Bracco Diagnostics Inc. submitted a new NDA #203–684 on December 20, 2011. FDA accepted NDA 203–684 for filing on February 19, 2012.

Review of the application indicates that, except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. 156, and that the patent should be extended for one year as required by 35 U.S.C. 156(d)(5)(B). Because the regulatory review period will continue beyond the original expiration date of the patent, November 11, 2014, interim extension of the patent term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 5,686,060 is granted for a period of one year from the original expiration date of the patent.

Dated: August 26, 2014.

Andrew Hirshfeld.

Deputy Commissioner for Patent Examination Policy, United States Patent and Trademark Office.

[FR Doc. 2014–21308 Filed 9–5–14; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:30 a.m., Thursday, September 11, 2014.

PLACE: 1155 21st St. NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, Enforcement Matters, and Examinations. In the event that the times, dates, or locations of this or any future meetings change, an announcement of the change, along with the new time and place of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Christopher J. Kirkpatrick, 202–418–5964.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2014–21400 Filed 9–4–14; 4:15 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Committee Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Army Education Advisory Committee. This meeting is open to the public.

DATES: The Army Education Advisory Committee will meet from 8:00 a.m. to 5:00 p.m. on October 8 and 9, 2014 and from 8:00 a.m. to 2:00 p.m. on October 10, 2014.

ADDRESSES: Army Education Advisory Committee, U.S. Training Doctrine Command, Building 950, Conference Room 2014, Fort Eustis, VA 23604.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Joyner, the Designated Federal Officer for the committee, in writing at ATTN: ATTG–ZC, U.S. Training Doctrine Command, 950 Jefferson Ave, Fort Eustis, VA 23604, by email at *albert.w.joyner.civ@mail.mil,* or by telephone at (757) 501–5810.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to collect and analyze corporate and academia best practices for dealing with sexual harassment and assault.

Proposed Agenda: October 8–9: The committee is chartered to provide independent advice and recommendations to the Secretary of the Army on the educational, doctrinal, and research policies and activities of U.S. Army educational programs. The committee will review and evaluate information related to dealing with sexual harassment and assault, and explore cultural issues affecting sexual harassment and assault. The committee will discuss societal norms, generational differences, changes in cultural dynamics, and sexual attitudes that may impact the Army's culture.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mr. Joyner, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section.

Because the meeting of the committee will be held in a Federal Government facility on a military base, security screening is required. A photo ID is required to enter base. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. U.S. Training Doctrine Command is fully handicap accessible. Wheelchair access is available in front at the main entrance of the building. For additional information about public access procedures, contact Mr. Joyner, the committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee, in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mr. Joyner the committee Designated

Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The Designated Federal Official will review all submitted written comments or statements and provide them to members of the committee for their consideration. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. Written comments or statements received after this date may not be provided to the committee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least seven business days in advance to the committee's Designated Federal Official, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The Designated Federal Official will log each request, in the order received, and in consultation with the committee Chair, determine whether the subject matter of each comment is relevant to the committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three minutes during the period, and will be invited to speak in the order in which their requests were received by Designated Federal Official.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–21314 Filed 9–5–14; 8:45 am]

BILLING CODE 3710–08–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Senior Executive Service Performance Review Board

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice.

SUMMARY: This notice announces the membership of the Defense Nuclear Facilities Safety Board (DNFSB) Senior Executive Service (SES) Performance Review Board (PRB).

DATES: *Effective Date:* September 8, 2014.

ADDRESSES: Send comments concerning this notice to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004–2001.

FOR FURTHER INFORMATION CONTACT: Deborah Biscieglia by telephone at (202) 694–7041 or by email at *debbieb@dnfsb.gov*.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314(c)(1) through (5) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The PRB shall review and evaluate the initial summary rating of a senior executive's performance, the executive's response, and the higher level official's comments on the initial summary rating. In addition, the PRB will review and recommend executive performance bonuses and pay increases.

The DNFSB is a small, independent Federal agency; therefore, the members of the DNFSB SES PRB in this notice are drawn from the SES ranks of other agencies. The following persons comprise a standing roster to serve as members of the DNFSB SES PRB:

Christopher E. Aiello, Special Advisor to the Deputy to the Chairman and CFO, Federal Deposit Insurance Corporation
David M. Capozzi, Executive Director, United States Access Board
Cedric R. Hendricks, Associate Director for the Office of Legislative, Intergovernmental and Public Affairs, Court Services and Offender Supervision Agency
Barry S. Socks, Chief Operating Officer, National Capital Planning Commission
Dr. Michael L. Van Woert, Director of the National Science Board Office, National Science Foundation

Dated: September 3, 2014.

Jessie H. Roberson,

Chair, Executive Resources Board.

[FR Doc. 2014–21273 Filed 9–5–14; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD14–7–000]

Commission Information Collection Activities (Ferc-725y); Comment Request

AGENCY: Federal Energy Regulatory Commission.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting the information collection FERC–725Y, Mandatory Reliability Standard PER–005–2 (Operations Personnel Training), to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission solicited comments on the information collection associated with PER–005–2 in an order published in the **Federal Register** (79 FR 36305, 6/26/2014). FERC received no comments on the information collection and is making this notation in its submission to OMB.

DATES: Comments on the collection of information are due by October 8, 2014.

ADDRESSES: Comments filed with OMB, identified by collection FERC–725Y, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov,* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission, identified by the Docket No. RD14–7–000, by either of the following methods:

- eFiling at Commission's Web site: *http://www.ferc.gov/docs-filing/efiling.asp.*
- Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–725Y,[1] Mandatory Reliability Standard PER–005–2 (Operations Personnel Training).

OMB Control No.: To Be Determined.

Type of Request: Three-year approval of the FERC–725Y information collection requirements.

Abstract: Reliability Standard PER–005–2 (Operations Personnel Training Standard) implements the Congressional mandate of the Energy Policy Act of 2005 to develop mandatory and enforceable Reliability Standards to better ensure the reliability of the nation's Bulk-Power System. Specifically, the purpose of PER–005–2[2] is to ensure that personnel performing or supporting real-time operations on the Bulk Electric System (BES) are trained using a systematic approach. The Reliability Standard requires entities to maintain records subject to review by the Commission and NERC to ensure compliance with the Reliability Standard.

PER–005–2 contains six Requirements:

- R1 requiring reliability coordinators, balancing authorities, and transmission operators to develop and implement a training program for system operators
- R2 requiring transmission owners to develop and implement a training program for system operators
- R3 requiring reliability coordinators, balancing authorities, transmission operators and transmission owners to verify the capabilities of their identified personnel
- R4 requiring reliability coordinators, balancing authorities, transmission operators and transmission owners to provide those personnel with emergency operations training using simulation technology
- R5 requiring reliability coordinators, balancing authorities, and transmission operators to develop and implement training for their operations support personnel
- R6 requiring applicable generator operators to develop and implement training for certain of their dispatch personnel at a centrally located dispatch center.

Type of Respondents: Reliability coordinators, balancing authorities, transmission operators, transmission owners, and generator owners.

Estimate of Annual Burden[3]*:* Our estimate below regarding the number of respondents is based on the NERC compliance registry as of April 30, 2014. According to the NERC compliance registry, NERC has registered 15 reliability coordinators, 107 balancing authorities, 182 transmission operators, 337 transmission owners and 848 generator operators. However, under NERC's compliance registration program, entities may be registered for multiple functions, so these numbers incorporate some double counting. The number of unique entities responding will be approximately 387 entities registered as a reliability coordinator, balancing authority, transmission operator, transmission owner, or generator operator.

The Commission estimates the additional annual reporting burden and cost as follows:

FERC–725Y, AS IMPLEMENTED IN DOCKET NO. RD14–7

	Number and type of respondents[4] (1)	Annual number of responses per respondent (2)	Total number of responses	Average burden and cost per response[5] (3)	Total annual burden hours and total annual cost (1) × (2) × (3)	Cost per respondent
(One-time) Development of a training program and materials, and task list [R2].	TO (337)[6]	1	337	15 hrs. and $59.62/hour.	5,055 hours and $301,379.10.	$894.30
(One-time) Development of a training program [R5].	RC, BA, TOP (216)	1	216	15 hrs. and $59.62/hour.	3,240 hours and $193,168.80.	894.30
(One-time) Development of a training program [R6].	GOP (848)	1	848	15 hrs. and $59.62/hour.	12,720 hours and $758,366.40.	894.30
(Ongoing) Annual Evaluation and update of training program and task list [R2 and R6].	TO (337), GOP (848)	1	[7] 1,050	6 hrs. and $59.62/hour.	6,300 hours and $375,606.	357.72

[1] In the Order issued 6/19/2014, the proposed information collection was included in FERC–725A (Mandatory Reliability Standards for the Bulk-Power System) under OMB Control No. 1902–0244. In this notice and the related Paperwork Reduction Act package to be submitted to the Office of Management and Budget for review and approval, the information collection will be included in a new FERC–725Y (rather than FERC–725A).

[2] Reliability Standard PER–005–2 expands the scope of the current Reliability Standard in order to address the Commission's directives in Order Nos. 693 and 742.

[3] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[4] TO=Transmission Owner; RC=Reliability Coordinator; BA=Balancing Authority; TOP=Transmission Operator; GOP=Generator Operator.

[5] The estimated hourly costs (salary plus benefits) are based on Bureau of Labor and Statistics (BLS) information (available at *http://bls.gov/oes/current/naics3_221000.htm#17-0000*) for an electrical engineer ($59.62/hour for review and documentation), and for a file clerk ($28.95/hour for record retention).

[6] Not all transmission owners are expected to have personnel who will be subject to the revised personnel training requirements, but this estimate conservatively includes all registered TOs. The same approach is taken with respect to generator operators.

[7] Some transmission owners are also generator operators. To eliminate double counting some entities, this figure reflects the number of unique entities (1,050) within the group of TOs and GOPs. That approach is used throughout the table.

FERC–725Y, AS IMPLEMENTED IN DOCKET NO. RD14–7—Continued

	Number and type of respondents [4] (1)	Annual number of responses per respondent (2)	Total number of responses	Average burden and cost per response [5] (3)	Total annual burden hours and total annual cost (1) × (2) × (3)	Cost per respondent
(Ongoing) Retention of records [M2, M6, and C.1.3].	TO (337), GOP (848)	1	1,050	10 hrs. and $28.95/hour.	10,500 hrs. and $303,975.	289.50
(Ongoing) Verification and retention of evidence of capabilities of personnel [R3, M3, C1.3], and creation and retention of records on simulation training [R4 and M4].	TO (337)	1	337	10 hrs. and $28.95/hour.	3,370 hrs. and $97,561.50.	289.50

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 29, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21207 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–539–000]

Ozark Gas Transmission, LLC; Notice of Application

Take notice that on August 22, 2014, Ozark Gas Transmission, LLC (Ozark), 5400 Westheimer Court, Houston, Texas 77056, filed an application in Docket No. CP14–539–000 pursuant to Section 7(b) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations, for a certificate of public convenience and necessity for its Ozark Abandonment Project. Ozark seeks authorization to abandon by inter-corporate transfer to an affiliate approximately 158.7 miles of pipeline, located in Sebastian and White Counties, Arkansas, that will be repurposed to refined petroleum products transportation service. In addition, Ozark will disconnect and abandon 29 associated metering and regulating facilities and other appurtenant facilities that will not be converted to refined petroleum products transportation service. In addition to the work required to perform the abandonment activities, Ozark will perform work to re-pipe the existing Noark Compressor Station to Ozark's 16-inch Line 2 pursuant to Section 2.55(a) of the Commission's regulations, all as more fully set forth in the application which is on file with the Commission and open for public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding the applications should be directed to Lisa A. Connolly, General Manager, Rates and Certificates, Ozark Gas Transmission, LLC, P.O. Box 1642, Houston, Texas 77251, or by calling (713) 627–4102 (telephone) or (713) 627–5947 (fax) *laconnolly@spectraenergy.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: September 23, 2014.

Dated: September 2, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21310 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1819–007; ER10–1820–009; ER10–1818–006; ER10–1817–007.

Applicants: Northern States Power Company, a Minnesota, Northern States Power Company, a Wisconsin corporation, Public Service Company of Colorado, Southwestern Public Service Company.

Description: Notice of Change in Status of the Xcel Energy Operating Companies.

Filed Date: 8/28/14.

Accession Number: 20140828–5182.

Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2721–000.

Applicants: Peetz Logan Interconnect, LLC.

Description: Compliance filing per 35: Peetz Logan Interconnect, LLC Order No. 792 and 792–A Compliance Filing to be effective 8/4/2014.

Filed Date: 8/27/14.

Accession Number: 20140827–5144.

Comments Due: 5 p.m. ET 9/17/14.

Docket Numbers: ER14–2722–000.

Applicants: Sagebrush, a California partnership.

Description: Compliance filing per 35: Sagebrush, a California partnership Order No. 792 and 792–A Compliance Filing to be effective 8/4/2014.

Filed Date: 8/27/14.

Accession Number: 20140827–5145.

Comments Due: 5 p.m. ET 9/17/14.

Docket Numbers: ER14–2723–000.

Applicants: Sky River LLC.

Description: Compliance filing per 35: Sky River LLC Order No. 792 and 792–A Compliance Filing to be effective 8/4/2014.

Filed Date: 8/27/14.

Accession Number: 20140827–5146.

Comments Due: 5 p.m. ET 9/17/14.

Docket Numbers: ER14–2724–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–8–28_CAPX–BSSB–CMA–594–0.0.0-Filing to be effective 8/1/2014.

Filed Date: 8/28/14.

Accession Number: 20140828–5050.

Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2725–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–8–28_CAPX–BSSB–OMA–595–0.0.0-Filing to be effective 8/1/2014.

Filed Date: 8/28/14.

Accession Number: 20140828–5052.

Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2726–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–8–28_CAPX–BSSB–TCEA–596–0.0.0-Filing to be effective 8/1/2014.

Filed Date: 8/28/14.

Accession Number: 20140828–5054.

Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2727–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–08–28_SA 2527 ITC-Consumers 2nd Amended GIA (J161) to be effective 8/29/2014.

Filed Date: 8/28/14.

Accession Number: 20140828–5091.

Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2728–000.

Applicants: Wisconsin Public Service Corporation.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Wisconsin Public Service Corporation Ancillary Services Tariff to be effective 8/28/2014.

Filed Date: 8/28/14.

Accession Number: 20140828–5098.

Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2729–000.

Applicants: Wisconsin Public Service Corporation.

Description: Tariff Withdrawal per 35.15: WPSC and UPPCo Notice of Cancellation of Joint Open Access Transmission Tariff to be effective 8/28/2014.

Filed Date: 8/28/14.

Accession Number: 20140828–5099.

Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2730–000.

Applicants: Wisconsin Public Service Corporation.

Description: Tariff Withdrawal per 35.15: WPSC and UPPCo Notice of Cancellation of Joint Ancillary Services Tariff to be effective 8/28/2014.

Filed Date: 8/28/14.

Accession Number: 20140828–5100.

Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2731–000.

Applicants: Duke Energy Progress, Inc.

Description: Tariff Withdrawal per 35.15: Termination of Fibrocoast LGIA SA 316 to be effective 8/28/2014.

Filed Date: 8/28/14.

Accession Number: 20140828–5138.

Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2732–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 3928; Queue No. Z1–106 to be effective 7/31/2014.

Filed Date: 8/28/14.

Accession Number: 20140828–5151.

Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2733–000.
Applicants: Upper Peninsula Power Company.
Description: Initial rate filing per 35.12 AST filing to be effective 8/28/2014.
Filed Date: 8/28/14.
Accession Number: 20140828–5157.
Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2734–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 3929; Queue No. Z1–107 to be effective 7/31/2014.
Filed Date: 8/28/14.
Accession Number: 20140828–5173.
Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2735–000.
Applicants: Upper Peninsula Power Company.
Description: Tariff Withdrawal per 35.15: Cancelling Joint Tariff to be effective 8/28/2014.
Filed Date: 8/28/14.
Accession Number: 20140828–5174.
Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2736–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 3930; Queue No. Z1–108 to be effective 7/31/2014.
Filed Date: 8/28/14.
Accession Number: 20140828–5188.
Comments Due: 5 p.m. ET 9/18/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 28, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–21302 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–2718–000.
Applicants: Illinois Power Marketing Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2013 System Support Resources Agreement to be effective 1/1/2013.
Filed Date: 8/27/14.
Accession Number: 20140827–5086.
Comments Due: 5 p.m. ET 9/17/14.

Docket Numbers: ER14–2737–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 3920; Queue No. Z1–127 to be effective 7/29/2014.
Filed Date: 8/28/14.
Accession Number: 20140828–5214.
Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2738–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 3933; Queue No. R30 to be effective 7/29/2014.
Filed Date: 8/28/14.
Accession Number: 20140828–5215.
Comments Due: 5 p.m. ET 9/18/14.

Docket Numbers: ER14–2739–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2899 Pawnee Wind Farm, LLC GIA to be effective 6/12/2014.
Filed Date: 8/29/14.
Accession Number: 20140829–5053.
Comments Due: 5 p.m. ET 9/19/14.

Docket Numbers: ER14–2740–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revisions to OATT Attachment Q re Export Transactions to be effective 12/31/9998.
Filed Date: 8/29/14.
Accession Number: 20140829–5059.
Comments Due: 5 p.m. ET 9/19/14.

Docket Numbers: ER14–2741–000.
Applicants: AEP Texas Central Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): TCC-Bandera Electric Cooperative Interconnection Agreement to be effective 8/4/2014.
Filed Date: 8/29/14.
Accession Number: 20140829–5062.
Comments Due: 5 p.m. ET 9/19/14.

Docket Numbers: ER14–2742–000.
Applicants: Central Maine Power Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Blue Sky West II, LLC Engineering & Procurement Agreement to be effective 10/26/2012.
Filed Date: 8/29/14.
Accession Number: 20140829–5094.
Comments Due: 5 p.m. ET 9/19/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–48–000.
Applicants: South Carolina Electric & Gas Company, South Carolina Generating Company, Inc.
Description: Supplement to August 8, 2014 Application for Authorization under Federal Power Act Section 204 for South Carolina Electric & Gas Company and South Carolina Generating Company, Inc.
Filed Date: 8/28/14.
Accession Number: 20140828–5250.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ES14–50–000.
Applicants: AEP Texas Central Company.
Description: Application Pursuant to Section 204 of the Federal Power Act for authorization to issue securities of AEP Texas Central Company.
Filed Date: 8/29/14.
Accession Number: 20140829–5065.
Comments Due: 5 p.m. ET 9/19/14.

Docket Numbers: ES14–51–000.
Applicants: AEP Texas North Company.
Description: Application pursuant to Section 204 of the Federal Power Act for authorization to issue securities of AEP Texas North Company.
Filed Date: 8/29/14.
Accession Number: 20140829–5067.
Comments Due: 5 p.m. ET 9/19/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 29, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–21303 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–2462–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment per 35.17(b): Amendment to Filing, Queue No. W3–028, Substitute Original SA Nos. 3899 and 3900 to be effective 6/17/2014.
Filed Date: 8/29/14.
Accession Number: 20140829–5178.
Comments Due: 5 p.m. ET 9/19/14.

Docket Numbers: ER14–2743–000.
Applicants: Central Maine Power Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Blue Sky West II, LLC First Revised Engineering & Procurement Agreement to be effective 3/20/2014.
Filed Date: 8/29/14.
Accession Number: 20140829–5099.
Comments Due: 5 p.m. ET 9/19/14.

Docket Numbers: ER14–2744–000.
Applicants: Central Maine Power Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Blue Sky West II, LLC Second Revised Engineering & Procurement Agreement to be effective 7/17/2014.
Filed Date: 8/29/14.
Accession Number: 20140829–5100.
Comments Due: 5 p.m. ET 9/19/14.

Docket Numbers: ER14–2745–000.
Applicants: Southern California Edison Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): SGIA with Sierra Solar Greenworks LLC to be effective 8/30/2014.
Filed Date: 8/29/14.
Accession Number: 20140829–5102.
Comments Due: 5 p.m. ET 9/19/14.

Docket Numbers: ER14–2746–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Rate Schedule No. 217 Ex B.CLOPAD Rev 1 and Ex B.PAD–LIB Rev 3 to be effective 10/29/2014.
Filed Date: 8/29/14.
Accession Number: 20140829–5123.
Comments Due: 5 p.m. ET 9/19/14.

Docket Numbers: ER14–2747–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–08–29 Resource Adequacy Clean-Up Filing to be effective 10/28/2014.
Filed Date: 8/29/14.
Accession Number: 20140829–5128.
Comments Due: 5 p.m. ET 9/19/14.

Docket Numbers: ER14–2748–000.
Applicants: San Diego Gas & Electric Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): SDGE TO Tariff Appendix IX to be effective 1/1/2015.
Filed Date: 8/29/14.
Accession Number: 20140829–5198.
Comments Due: 5 p.m. ET 9/19/14.

Docket Numbers: ER14–2749–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): September 2014 Membership Filing to be effective 8/1/2014.
Filed Date: 8/29/14.
Accession Number: 20140829–5201.
Comments Due: 5 p.m. ET 9/19/14.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA14–6–000.
Applicants: Limon Wind II, LLC, Limon Wind III, LLC.
Description: Petition for Waiver from Order Nos. 888, 889 and 890, and Request for Waiver of the 60-Day Rule of Limon Wind II, LLC and Limon Wind III, LLC.
Filed Date: 8/29/14.
Accession Number: 20140829–5165.
Comments Due: 5 p.m. ET 9/19/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–21304 Filed 9–5–14; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF14–12–000]

Southern Natural Gas Company, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Planned North Main Lines Relocation Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the North Main Lines Relocation Project involving construction and operation of facilities by Southern Natural Gas Company, L.L.C.'s (SNG) in Bessemer, Alabama. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on September 26, 2014.

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission invites you to attend the public scoping meeting scheduled as follows:

Date and time	Location
Monday, September 15, 2014, 6:00 p.m. CST	Bessemer Civic Center, North Meeting Room, Second Floor, 1130 9th Avenue SW., Bessemer, AL 35022.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. SNG would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

SNG plans to relocate a portion of its natural gas pipeline system known as the North Main Lines and to relocate a portion of its natural gas pipeline system known as the Calera Branch Line in Jefferson County, Alabama. SNG is relocating its pipelines in order to protect them from subsidence that will result from longwall coal mining operations that are planned underneath the current location of the existing lines. SNG plans to abandon a total of about 9.2 miles of 20-, 22-, and 24-inch-diameter natural gas pipeline and replace it with approximately 11.0 miles of the same diameter pipelines. Three of the pipelines (North Main Line, North Main Loop Line, and 2nd North Main Line) would be relocated within a parallel corridor, and one pipeline (Calera Branch Line) would be relocated in a separate location. SNG does not anticipate altering the capacity of the existing pipelines with the planned relocation activities.

Specifically, the Project would consist of the following components:

- Relocation of approximately 3.5 miles of the existing and parallel 22-inch-diameter North Main Line and 24-inch-diameter North Main Loop Line from milepost (MP) 297.28 to MP 300.15, and 24-inch-diameter 2nd North Main Line from MP 174.77 to MP 177.62;
- installation of a new aboveground gate settings on each of the relocated North Main Lines;
- relocation of approximately 0.44 mile of the existing 20-inch-diameter Calera Branch Line from MP 0.30 to MP 0.84;
- abandonment in place of approximately 2.87 miles of the existing 22-inch-diameter North Main Line and 24-inch-diameter North Main Loop Line from MP 297.28 to MP 300.15 and 2.87 miles of the existing 24-inch-diameter 2nd North Main Loop Line from MP 174.77 to MP 177.62; and
- abandonment in place of approximately 0.54 mile of the existing 20-inch Calera Branch Line from MP 0.30 to MP 0.84.

The general location of the project facilities is shown in Appendix 1.[1]

Land Requirements for Construction

SNG anticipates using a 140-foot-wide construction right-of-way for constructing the three parallel pipelines, and a 90-foot-wide construction right-of-way for constructing the single pipeline. SNG would reduce the construction rights-of-way width to 100 feet and 75 feet, respectively, through wetlands. SNG would maintain a 100-foot-wide permanent easement for operating the three parallel pipelines, and a 50-foot-wide permanent easement for operating the single pipeline. Construction of the planned facilities would involve conventional pipeline construction and would disturb approximately 80 acres of land. Following construction, SNG would maintain approximately 45 acres for the permanent pipeline easement.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- geology and soils;
- water resources, fisheries, and wetlands;
- vegetation and wildlife;
- endangered and threatened species;
- cultural resources;
- land use;
- air quality and noise;
- reliability and safety; and
- cumulative environmental impacts.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

Our independent analysis of the issues will be presented in the EA. The EA will be available in the public record through the Commission's eLibrary. Depending on the comments received during scoping, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the Additional Information section at the end of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section of this notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Army Corps of Engineers has expressed its intention to participate as a cooperating agency in the preparation of the EA to satisfy its NEPA responsibilities related to this project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Massachusetts State Historic Preservation Office (SHPO), and to solicit its views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by SNG. This preliminary list of issues may change based on your comments and our analysis:

- Routing variations;
- construction in residential areas;
- existing utilities; and
- cumulative impacts.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before September 26, 2014.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF14–12–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister*.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 2).

Becoming an Intervenor

Once SNG files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF14–12). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: September 2, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21313 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF14–13–000]

Equitrans, L.P.; Notice of Intent To Prepare an Environmental Assessment for the Planned Ohio Valley Connector Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Ohio Valley Connector Project (Project) involving construction and operation of facilities by Equitrans, L.P. (EQT) in Wetzel, Marshall, and Marion Counties, West Virginia, and Monroe County, Ohio. The Commission will use this EA in its decision-making process to determine whether the Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on September 29, 2014.

You may submit comments in written form. Further details on how to submit written comments are in the Public Participation section of this notice.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this proposed Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Proposed Project

EQT proposes to provide approximately 900,000 dekatherms per day of new firm transportation capacity from natural gas produced in the central Appalachian Basin into the systems of Rockies Express Pipeline, LLC (REX) and Texas Eastern Transmission, LP (TETCO). Construction of the Project is planned to begin in August 2015 in order to meet the proposed in-service date of May 2016. The Ohio Valley Connector Project would include the following facilities:

- 34 miles of 30-inch-diameter pipeline along with pig [1] receiving/launching facilities in Wetzel and Marshall Counties, West Virginia and Monroe County, Ohio that would deliver gas to the proposed Plasma Compressor Station (the H–310 segment);
- 1.5 miles of 30-inch-diameter pipeline, with a pigging facility, in Monroe County, Ohio from the proposed Plasma Compressor Station to the existing REX System (the H–311 segment);
- 14 miles of 24-inch-diameter loop [2] along with pig receiving/launching facilities in Marion and Wetzel Counties, West Virginia from EQT's existing system to the proposed Corona Compressor Station (the H–313 segment);
- 0.6 mile of 16-inch-diameter discharge pipeline, and pigging facility, in Wetzel County, West Virginia that would serve as a discharge line from the proposed Corona Compressor Station (the H–306 segment);
- Construction of two new compressor stations:
  - *Plasma Compressor Station*—installation of two gas-driven centrifugal compressors in Monroe County, Ohio with a combined 21,000 horsepower (hp) of compression; and
  - *Corona Compressor Station*—installation of one gas-driven 15,000-hp centrifugal compressor in Wetzel County, West Virginia;
- Installation of two new interconnects:
  - *REX Interconnect*—A 100-foot by 200-foot fenced area that would contain two 8-foot by 12-foot enclosures to house measurement and gas sampling equipment and other associated aboveground facilities; and
  - *TETCO Interconnect*—Two 8-foot by 12-foot enclosures that would house measurement and gas sampling equipment, along with other associated aboveground facilities and a short interconnect, all of which would be placed within the fenceline of the planned Plasma Compressor Station; and
- relocation of existing pigging facilities at EQT's Pickenpaw Meter Station to the eastern terminus of the H–306 pipeline segment within the proposed Corona Compressor Station and installation of new pipeline and valves at the Pickenpaw Meter Station.

Maps depicting the general location of the Project facilities are included in Appendix 1.[3]

Land Requirements for Construction

The planned pipeline construction for the H–310 and H–311 segments (approximately 71 percent of the pipeline length) would impact approximately 456 acres of land temporarily and 213 acres permanently. EQT is still in the planning phase for the Project and construction workspace requirements for the H–306 and H–313 segments have not been finalized;

[1] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

[2] A loop is a segment of pipeline constructed parallel to an existing pipeline that ties into the existing system to increase capacity.

[3] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

however, operation of these two segments would permanently impact approximately 87 acres. Impacts associated with the use of additional temporary workspaces, laydown/contractor yards, and access roads would temporarily impact a minimum of 229 acres. The Plasma and Corona Compressor Stations would have a permanent footprint of 5.5 and 3.1 acres, respectively; the workspaces associated with these locations are still being determined.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [4] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned Project under these general headings:

- Geology and soils;
- Water resources;
- Wetlands and vegetation;
- Fish and wildlife;
- Threatened and endangered species;
- Land use, recreation, and visual resources;
- Air quality and noise;
- Cultural resources;
- Socioeconomics;
- Reliability and safety; and
- Cumulative environmental impacts.

We will also evaluate reasonable alternatives to the planned Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section on page 5.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this Project to formally cooperate with us in the preparation of the EA.[5] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[6] We will define the Project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the Project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before September 29, 2014.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the Project docket number (PF14–13–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister*.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for

[4] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[5] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, § 1501.6.

[6] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 2).

Becoming an Intervenor

Once EQT files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF14–13). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: August 29, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21206 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–17–000]

Columbia Gas Transmission, LLC; Notice of Availability of the Environmental Assessment for the Proposed East Side Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the East Side Expansion Project, proposed by Columbia Gas Transmission, LLC (Columbia) in the above-referenced docket. Columbia requests authorization to install a total of about 19.1 miles of 20- and 26-inch-diameter pipeline loop,[1] and to modify and upgrade several aboveground facilities in Pennsylvania, New Jersey, New York, and Maryland in order to provide 312,000 dekatherms per day of firm natural gas transportation service to growing mid-Atlantic markets.

The EA assesses the potential environmental effects of the construction and operation of the East Side Expansion Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The United States Army Corps of Engineers participated as a cooperating agency in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis.

[1] A loop is a segment of pipe that is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the system.

The proposed East Side Expansion Project includes the following:

- Construction of about 9.6 miles of 20-inch-diameter pipeline loop in Gloucester County, New Jersey (Line 10345 Loop);
- construction of about 9.5 miles of 26-inch-diameter pipeline loop in Chester County, Pennsylvania (Line 1278 Loop);
- abandonment of existing compressors and installation of new compression at the Milford Compressor Station in Pike County, Pennsylvania, and at the Easton Compressor Station in Northampton County, Pennsylvania;
- modifications to the Eagle Compressor Station in Chester County, Pennsylvania, and the Rutledge Compressor Station in Hartford County, Maryland; and
- modification of the Pennsburg meter and regulation (M&R) Station and the Quakertown M&R Station in Bucks County, Pennsylvania, and the Wagoner M&R Station in Orange County, New York.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before September 29, 2014.

For your convenience, there are three methods you can use to file your comments with the Commission. In all instances, please reference the project docket number (CP14–17–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister*.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[2] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP14–17). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

[2] See the previous discussion on the methods for filing comments.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

Dated: August 29, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21205 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Project No. 2004–287

City of Holyoke Gas and Electric Department: Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of License.

b. *Project No.:* 2004–287.

c. *Date Filed:* August 15, 2014.

d. *Applicant:* City of Holyoke Gas and Electric Department.

e. *Name of Project:* Holyoke Project.

f. *Location:* On the Connecticut River in Hampden County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Paul Ducheney, Superintendent, Holyoke Gas and Electric Department, 99 Suffolk Street, Holyoke, MA 01040. Tel: (413) 536–9340.

i. *FERC Contact:* Dr. Jennifer Ambler, (202) 502–8586, *jennifer.ambler@ferc.gov*.

j. Deadline for filing comments, motions to intervene, and protests, is 30 days from the issuance date of this notice by the Commission (September 29, 2014). The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2004–287) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* This amendment application supersedes a previous application submitted on August 31, 2012 and all supplements to that application (i.e., January 31, 2014 and March 26, 2014 filings). The licensee proposes to enhance downstream fish passage facilities at the project by installing a new bar rack and associated facilities at the Holyoke Dam at Hadley Falls, and enhancing the existing upstream fish passage facilities at the project by making modifications to the spillway fish lift entrance. The licensee further proposes to do an in-kind replacement of the Hadley Unit 1 turbine concurrent with the downstream passage construction work. The new unit would increase the project's installed capacity by 600 kilowatts, and increase the maximum hydraulic capacity by an estimated 320 cubic feet per second.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and

Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: August 29, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21204 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1864–000]

Southwest Power Pool, Inc.; Supplemental Notice of Technical Conference

As announced in the Notice of Technical Conference issued on August 11, 2014, and as required in the Commission's July 11, 2014 order in this docket,[1] Commission staff will hold a technical conference on Monday, September 22, 2014, regarding Southwest Power Pool, Inc.'s (SPP) proposed modifications to its Joint Operating Agreement with Midcontinent Independent System Operator, Inc. (MISO) to implement a market-to-market coordination mechanism (Market-to-Market protocols). The technical conference will be held at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC, in the Commission Meeting Room and will be open for the public to attend. The technical conference will not be webcast.

Advance registration is required for all attendees. Attendees may register in advance at the following Web page: *https://www.ferc.gov/whats-new/registration/09-22-14-form.asp.* Attendees should allow time to pass through building security procedures before the 9:30 a.m. (Eastern Time) start time of the technical conference.

The discussion at the technical conference is limited to the following issues regarding the proposed Market-to-Market protocols: (1) The implementation of Interface Bus Pricing (proposed section 2); (2) the creation of Market-to-Market flowgates (proposed sections 3.1.13 and 8.1.4); and (3) the deferred implementation of a Day-Ahead Firm Flow Entitlement exchange process (proposed section 4). Additional topics at issue in this proceeding will not be addressed, nor will topics at issue in other pending, contested proceedings.

An entity that has moved to intervene or submitted a notice of intervention in this proceeding may request to participate in the technical conference by contacting Helen Shepherd, 202–502–6176, *helen.shepherd@ferc.gov,* by close of business September 17, 2014, identifying which issue(s) it wishes to discuss and the name(s) of the person(s) participating. Other attendees who have not requested to participate in advance may ask questions or make comments as time permits.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY); or send a fax to 202–208–2106 with the required accommodations.

The technical conference will consist of three sessions, as detailed below. The times given below are approximate and may change, as needed. As time permits, at the end of each session staff will open the floor for questions and comments from attendees.

Conference Introduction: Commission Staff—*(9:30 a.m.–9:45 a.m.)*
Session 1: Interface Bus Pricing Methodology—*(9:45 a.m.–11:15 a.m.)*

Participants are asked to be prepared to discuss the issue of interface bus pricing methodology raised in the MISO Independent Market Monitor's comments in this proceeding, and to answer questions including, but not limited to, the following: How does SPP propose to define the interface bus and how does SPP propose to calculate interface bus prices? How will MISO define the interface bus and how will MISO calculate interface bus prices? Have SPP and MISO conducted any market simulations/parallel operations employing the proposed calculations? If so, have there been any issues with SPP's or MISO's definition or calculation method? If there have been issues, what steps have SPP and MISO taken to resolve these issues?

Break: (11:15 a.m.–11:30 a.m.)
Session 2: Day-Ahead Firm Flow Entitlement (FFE) Exchange Process Deferral *(11:30 a.m.–12:30 p.m.)*

Participants are asked to be prepared to answer questions including, but not limited to, the following: What concerns led MISO and SPP to decide to defer implementation of a day-ahead FFE exchange process? What are the benefits (to each RTO, to the overall system, to customers) of implementing a day-ahead FFE exchange process, in terms of congestion-management, cost-savings, or other factors? How will MISO and SPP systematically analyze whether to implement a day-ahead FFE exchange process?

Lunch Break: (12:30 p.m.–1:30 p.m.)
Session 3: Creation of Market-to-Market Flowgates—*(1:30 p.m.–3:45 p.m.)*

Participants are asked to be prepared to answer questions including, but not limited to, the following: What are the

[1] *Southwest Power Pool, Inc.,* 148 FERC ¶ 61,019 (2014).

benefits of creating additional Market-to-Market flowgates? What are the costs of delaying the creation of additional Market-to-Market flowgates? Should Market-to-Market flowgates be created to address long-term concerns only, or should they be created to address short-term concerns as well? Why is it important to have mutually agreed upon scheduling timeframes for the creation of Market-to-Market flowgates? Does Market-to-Market flowgate creation affect congestion, and if so, how?

Conference Conclusion: Next Steps—(3:45 p.m.–4:00 p.m.)

Following the technical conference, the Commission will consider post-technical conference comments submitted on or before October 7, 2014. Reply comments are due on or before October 22, 2014.

For more information about this technical conference, please contact Sarah McKinley, 202–502–8368, *sarah.mckinley@ferc.gov,* regarding logistical issues, or Helen Shepherd, 202–502–6176, *helen.shepherd@ferc.gov,* regarding substantive issues.

Dated: August 29, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21203 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–37–000]

PJM Interconnection, L.L.C.; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On August 29, 2014, the Commission issued an order in Docket No. EL14–37–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into the justness and reasonableness of provisions in PJM Interconnection, L.L.C.'s (PJM) Open Access Transmission Tariff and Operating Agreement relating to Up-to Congestion transactions. *PJM Interconnection, L.L.C.,* 148 FERC ¶ 61,144 (2014).

The refund effective date in Docket No. EL14–37–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Dated: August 29, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–21301 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–541–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on August 22, 2014, Columbia Gas Transmission, LLC (Columbia), 5151 San Felipe, Suite 2500, Houston, Texas 77056 filed in Docket No. CP14–541–000, a prior notice request pursuant to sections 157.205 and 157.210 of the Commission's regulations under the Natural Gas Act for authorization to replace two existing natural gas-fired engines with electric motors, uprate the horsepower of Units #1, #2, #3, #4 and #6, and convert existing compressor station #7 from base load to standby mode at Clendenin Compressor Station, located in Kanawha County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection. All of these modifications are part of a broad based program by Columbia to modernize its natural gas transmission system.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to James R. Downs, Vice President, Regulatory Affairs, Columbia Gas Transmission, LLC, 5151 San Felipe Suite 2500, Houston, TX 77056, by phone at (713) 386–3759, or by email at *jdowns@nisource.com* or Fredric J. George, Senior Counsel, Columbia Gas Transmission, LLC, P.O. Box 1273, Charleston, West Virginia 25325–1273, by phone at (304) 357–2359, or by email at *fgeorge@nisource.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with he Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: September 2, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21312 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–540–000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization

Take notice that on August 22, 2014 ANR Pipeline Company (ANR), 717 Texas Street, Houston, Texas 77002–2761, filed in the above Docket, a prior notice request pursuant to sections 157.205 and 157.208(b) of the Commission's regulations under the Natural Gas Act (NGA) and ANR's blanket certificate issued in CP82–480–000, for authorization to construct, own and operate facilities to expand its existing meter station and interconnection, located in Shelby County, Indiana. The REX Shelbyville Meter Station Expansion Project is designed to meet new firm contractual commitments up to 657 million cubic feet per day and to provide enhanced receipt point flexibility, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Linda Farquhar, Manager, Project Determinations & Regulatory Administration, ANR Pipeline Company, 717 Texas Street, Houston, Texas 77002–2761, at (832) 320–5685 or fax (832) 320–6685 or *linda_farquhar@transcanada.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR § 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: September 2, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–21311 Filed 9–5–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2010–0162; FRL–9916–26–OAR]

Agency Information Collection Activities; Proposed Collection; Comment Request; Reporting and Recordkeeping Requirements for Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR) ''Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles'' (EPA ICR No. 2394.03, OMB Control No. 2060–0678), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through February 28, 2015. Public comments were previously requested via the **Federal Register** on September 15, 2011 during a 60-day comment period. This notice allows for an additional 60 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 7, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number Docket ID No. EPA–HQ–OAR–2010–0162, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Fakhri Hamady, Environmental Protection Agency, 2000 Traverwood Dr., Ann Arbor, MI 48105; telephone number: 734–214–4330; fax number: 734–214–4869; email address: *hamady.fakhri@epa.gov*.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: For this ICR, EPA is seeking a revision to an existing package with a three year extension. Under ICR 2394.03, EPA collects information regarding Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles.

Under Title II of the Clean Air Act (42 U.S.C. 7521 et seq.), EPA is charged with issuing certificates of conformity for motor vehicle designs and engines that comply with applicable emission standards set under section 202(a)(1) of the Act, such as those for CO2, N2O, and CH4 in the final regulation. This authority was clarified in the Supreme Court's decision *State of Massachusetts* v. *EPA,* 549 U.S. 497 (2007) (holding that greenhouse gases are pollutants under the Clean Air Act). Under the statutory authority of 49 U.S.C. 32902, NHTSA is mandated to require manufacturers comply with fuel economy and consumption standards.

The manufacturers regulated under this program must: (1) Submit applications to certify vehicles; (2) submit reports with early estimates to demonstrate their compliance plans; (3) conduct compliance testing; (4) label certified vehicles; (5) provide final year-end-reports with compliance test results; and (6) retain records of information submitted to the agencies. A manufacturer must send an application for a certificate of conformity and gain approval by EPA before it can legally introduce any vehicle or engine into commerce in the U.S. To ensure compliance with the CAA and EISA, EPA and NHTSA will annually review a manufacturer's submitted information and compliance test results. Manufacturer test results will be used by EPA to perform confirmatory testing on a sufficient number of engines and vehicles to confirm manufacturer-reported results. Limited equipment testing and modeling runs will also be performed by NHTSA to confirm manufacturer test results.

EPA's emission certification programs and NHTSA's fuel efficiency programs are statutorily mandated. EPA does not have discretion to cease these functions. Specifically, under Section 206(a) of the CAA (42 U.S.C. 7521).

EPA and NHTSA also are establishing an Average, Banking and Trading (ABT) program, as outlined in 40 CFR 1036.701 and 1037.701, and in 49 CFR 535.7. Engine and vehicle manufacturers covered by this HD National Program have an option to participate in this ABT program. The agencies' ABT programs, and others like it, are designed to enhance compliance flexibility and reduce the burden on affected manufacturers, without compromising the expected emissions benefits derived from EPA's emissions standards and NHTSA's fuel consumption standards.

The information requested is collected by the Diesel Engine Compliance Center (DECC), Compliance Division (CD), Office of Transportation and Air Quality, Office of Air and Radiation, EPA. DECC uses this information to ensure that manufacturers are in compliance with applicable regulations and the CAA. The information may also be used by EPA's Office of Enforcement and Compliance Assurance and the Department of Justice for enforcement purposes. Most of the information is collected in electronic format and stored in CD's databases.

Manufacturers are allowed to assert a claim of confidentiality over information provided to EPA. Confidentiality is granted in accordance with the Freedom of Information Act and EPA regulations at 40 CFR Part 2. Non-confidential information may be disclosed on OTAQ's Web site or upon request under the Freedom of Information Act to trade associations, environmental groups, and the public.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are manufacturers of Medium- and Heavy-Duty Engines and Vehicles; owners of heavy-duty truck fleets.

Respondent's obligation to respond: Engine manufacturers must respond to this collection if they wish to sell their products in the US, as prescribed by Section 206(a) of the CAA (42 U.S.C. 7521). Participation in ABT is voluntary, but once a manufacturer has elected to participate, it must submit the required notifications and annual reports (40 CFR 1036.730 and 1037.730). If applicable to a particular engine family, compliance programs reporting is mandatory.

Estimated number of respondents: 34 (total).

Frequency of response: Quarterly, Annually, On Occasion, depending on the type of response.

Total estimated burden: 41,305 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $4,565,145 (per year), includes $1,458,333 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change of hours in the total estimated burden for ICR 2394.03 from the burden currently identified in the OMB Inventory of Approved ICR Burdens.

Dated: August 27, 2014.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2014–21307 Filed 9–5–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9916–25–ORD]

EPA Board of Scientific Counselors Advisory Board; Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Charter Renewal.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, the EPA Board of Scientific Counselors (BOSC) Advisory Board is a necessary committee which is in the public interest. Accordingly, the BOSC will be renewed for an additional two-year period. The purpose of the BOSC is to provide advice and recommendations to the Administrator, through the Assistant Administrator of the Office of Research and Development (ORD), regarding ORD science and engineering research, programs and plans, laboratories, and research management practices. Inquiries may be directed to Tom Tracy, U.S. EPA, (Mail Code 8104R), 1200 Pennsylvania Avenue NW., Washington, DC 20460, telephone (202) 564–6518, or *tracy.tom@epa.gov.*

Dated: April 24, 2014.

Lek Kadeli,

Acting Assistant Administrator, Office of Research and Development.

Editorial Note: This document was received for publication by the Office of Federal Register on September 3, 2014.

[FR Doc. 2014–21298 Filed 9–5–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2008–0699; FRL–9916–24–OAR]

Release of Final Documents Related to the Review of the National Ambient Air Quality Standards for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of three final documents titled *Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards* (PA); *Health Risk and Exposure Assessment for Ozone* (HREA); and *Welfare Risk and Exposure Assessment for Ozone* (WREA). The PA, HREA, and WREA have been prepared by staff in the EPA's Office of Air Quality Planning and Standards (OAQPS) as part of the Agency's ongoing review of the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) for ozone (O_3). The PA presents analyses and staff conclusions regarding the policy implications of the key scientific and technical information that informs this review of the O_3 NAAQS. The HREA and WREA present analyses of O_3 exposures and risks.

DATES: The PA, HREA, and WREA will be made available on or about August 29, 2014.

ADDRESSES: These documents will be available primarily via the Internet at the following Web site: *http://www.epa.gov/ttn/naaqs/standards/ozone/s_o3_index.html.*

FOR FURTHER INFORMATION CONTACT: Ms. Susan Stone, Office of Air Quality Planning and Standards (mail code C504–06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919–541–1146; fax number: 919–541–0237; email address: *stone.susan@epa.gov.*

SUPPLEMENTARY INFORMATION: Two sections of the Clean Air Act (CAA) govern the establishment and revision of the NAAQS. Section 108 (42 U.S.C. 7408) directs the Administrator to identify and list certain air pollutants and then to issue air quality criteria for those pollutants. The Administrator is to list those air pollutants that in her ''judgment, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare;'' ''the presence of which in the ambient air results from numerous or diverse mobile or stationary sources;'' and ''for which . . . [the Administrator] plans to issue air quality criteria . . .'' Air quality criteria are intended to ''accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air . . .'' 42 U.S.C. 7408(b). Under section 109 (42 U.S.C. 7409), the EPA establishes primary (health-based) and secondary (welfare-based) NAAQS for pollutants for which air quality criteria are issued. Section 109(d) requires periodic review and, if appropriate, revision of existing air quality criteria. The EPA is also required to periodically review and, if appropriate, revise the NAAQS based on the revised criteria. Section 109(d)(2) requires that an independent scientific review committee ''shall complete a review of the criteria . . . and the national primary and secondary ambient air quality standards . . . and shall recommend to the Administrator any new . . . standards and revisions of existing criteria and standards as may be appropriate . . .'' Since the early 1980's, this independent review function has been performed by the Clean Air Scientific Advisory Committee (CASAC).

Presently, the EPA is reviewing the NAAQS for O_3. The PA, HREA, and WREA build upon information presented in the *Integrated Science Assessment for Ozone* [1] prepared for this review by the EPA's Office of Research and Development (ORD). Drafts of the PA, HREA, and WREA were reviewed by CASAC, and were commented upon by members of the public, at public meetings held on September 11–13, 2012, and March 25–27, 2014. The CASAC issued final reports on the second drafts of these documents on June 18, 2014 (WREA), June 26, 2014 (PA), and July 1, 2014 (HREA). The final versions of the PA, HREA, and WREA reflect staff's consideration of the comments and recommendations made by CASAC, as well as comments made by members of the public, in its review of the draft versions of these documents. The final PA, HREA, and WREA are available through the Agency's Technology Transfer Network (TTN) Web site at *http://www.epa.gov/ttn/naaqs/standards/ozone/s_o3_index.html.*

Dated: August 27, 2014.

Mary Henigin,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2014–21297 Filed 9–5–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9916–29–OAR]

Clean Air Act Advisory Committee (CAAAC): Notice of Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice; meeting.

SUMMARY: The Environmental Protection Agency (EPA) announces upcoming public meetings of the Clean Air Act Advisory Committee (CAAAC). The

[1] Integrated Science Assessment of Ozone and Related Photochemical Oxidants. U.S. Environmental Protection Agency, Washington, DC. EPA/600/R–10/076F. Available at: *http://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=247492#Download.*

EPA established the CAAAC on November 19, 1990, to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical, scientific and enforcement policy issues.

DATES & ADDRESSES: Pursuant to 5 U.S.C. App. 2 Section 10(a)(2), notice is hereby given that the CAAAC will hold its next face-to-face meeting on October 29, 2014, tentatively from 8:30 a.m. to 4:00 p.m. at the Holiday Inn and Suites Alexandria, 625 First Street, Alexandria, VA 22314. The Permits, New Source Review and Toxics Subcommittee will meet at the same location on October 28, 2014, tentatively from 1:30 p.m. to 4:30 p.m.

Inspection of Committee Documents: The Committee agenda, confirmed times for the meetings, and any documents prepared for these meetings will be publicly available on the CAAAC Web site at *http://www.epa.gov/oar/caaac/* prior to the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will also be available on the CAAAC Web site or by contacting the Office of Air and Radiation Docket and requesting information under docket EPA–HQ–OAR–2004–0075. The Docket office can be reached by email at: *a-and-r-Docket@epa.gov* or FAX: 202–566–9744.

FOR FURTHER INFORMATION CONTACT: For more information about the CAAAC, please contact Jeneva Craig, Designated Federal Officer (DFO), Office of Air and Radiation, U.S. EPA by email at *craig.jeneva@epa.gov* or by telephone at (202) 564–1674 or, for information on the Permits, New Source Review and Toxics Subcommittee, please contact Alan Rush at *rush.alan@epa.gov* or (202) 564–1658. Additional information on these meetings, CAAAC, and its Subcommittees can be found on the CAAAC Web site: *http://www.epa.gov/oar/caaac/*.

For information on access or services for individuals with disabilities, please contact Jeneva Craig at (202) 564–1674 or *craig.jeneva@epa.gov,* preferably at least 10 days prior to the meetings to give EPA as much time as possible to process your request.

Dated: August 26, 2014.

Jeneva Craig,

Designated Federal Officer, Clean Air Act Advisory Committee, Office of Air and Radiation.

[FR Doc. 2014–21299 Filed 9–5–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9916–34–OCFO]

Meeting of the Environmental Financial Advisory Board—Public Notice

AGENCY: Environmental Protection Agency.

ACTION: Notice of open meeting of the Environmental Financial Advisory Board.

SUMMARY: The Environmental Protection Agency's (EPA) Environmental Financial Advisory Board (EFAB) will hold a public meeting on October 28–29, 2014. EFAB is an EPA advisory committee chartered under the Federal Advisory Committee Act (FACA) to provide advice and recommendations to EPA on creative approaches to funding environmental programs, projects, and activities.

The purpose of this meeting is to hear from informed speakers on environmental finance issues, proposed legislation, and EPA priorities; to discuss activities, progress, and preliminary recommendations with regard to current EFAB work projects; and to consider requests for assistance from EPA offices.

Environmental finance discussions and presentations are expected on the following topics:

Small Water Systems in Puerto Rico; Financing Small Community/Rural Brownfields Site Remediation; Certified Green Bonds; Leveraging Technology and Finance; and Financial Capability Assessment Framework.

The meeting is open to the public; however, seating is limited. All members of the public who wish to attend the meeting must register in advance no later than Friday, October 17, 2014.

DATES: The full board meeting will be held on Tuesday, October 28, 2014 from 1:00 p.m. to 5 p.m., EST and Wednesday, October 29, 2014 from 9:00 a.m. to 5 p.m., EST.

ADDRESSES: Corporation for Enterprise Development (CFED), 1200 G Street NW., Suite 400, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: For information on access or services for individuals with disabilities, or to request accommodations for a person with a disability, please contact Sandra Williams, EPA, at (202) 564–4999 or *williams.sandra@epa.gov,* at least 10 days prior to the meeting, to allow as much time as possible to process your request.

Dated: August 28, 2014.

David Bloom,

Acting Deputy Chief Financial Officer.

[FR Doc. 2014–21293 Filed 9–5–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9916–30–OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA'' or the ''Act''), notice is hereby given of a proposed consent decree to address a lawsuit filed by the Sierra Club in the United States District Court for the District of Columbia: *Sierra Club* v. *McCarthy,* Civil Case No. 1:14–cv–00222 (D.D.C.). On February 17, 2014, Plaintiff filed a complaint which alleged that Gina McCarthy, in her official capacity as Administrator of the United States Environmental Protection Agency (''EPA''), failed to perform a mandatory duty to promulgate a Federal Implementation Plan (''FIP'') for Montana's Prevention of Significant Deterioration (''PSD'') program to properly regulate nitrogen oxides as an ozone precursor. The proposed consent decree would establish a deadline for EPA to take this action.

DATES: Written comments on the proposed consent decree must be received by October 8, 2014.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2014–0627, online at *www.regulations.gov* (EPA's preferred method); by email to *oei.docket@epa.gov;* by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Stephanie Hogan, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection

Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–3244; fax number: (202) 564–5603; email address: *hogan.stephanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

The proposed consent decree would resolve a lawsuit filed by the Sierra Club seeking to compel the Administrator to take action under CAA sections 110(c)(1)(A). Under the terms of the proposed consent decree, EPA would agree to sign a notice by no later than November 7, 2014, to promulgate a FIP for Montana's PSD program that addresses nitrogen oxides as an ozone precursor. The consent decree further provides that EPA shall have complied with this obligation if EPA signs by the same date a notice or notices collectively satisfying the PSD requirements in CAA section 110(a)(2)(C) and (J) for the 1997 ozone NAAQS, including unconditionally approving a state implementation plan (''SIP'') or promulgating a partial FIP and unconditionally approving a partial SIP.

Under the terms of the proposed consent decree, EPA will deliver notice of the action to the Office of the Federal Register for review and publication within 15 business days of signature. In addition, the proposed consent decree outlines the procedure for the Plaintiff to request costs of litigation, including attorney fees.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this consent decree should be withdrawn or withheld, the terms of the consent decree will be affirmed.

II. Additional Information About Commenting on the Proposed Consent Decree

A. How can I get a copy of the consent decree?

The official public docket for this action (identified by EPA–HQ–OGC–2014–0627) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available on the internet (online) through the Web site *www.regulations.gov.* You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search''.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: August 26, 2014.

Lorie Schmidt,

Associate General Counsel.

[FR Doc. 2014–21295 Filed 9–5–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9916–38–Region–2]

Proposed Settlement Pursuant Sections 106 and 122 of CERCLA Relating to the Gowanus Canal Superfund Site, Brooklyn, Kings County, New York

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), notice is hereby given by the U.S. Environmental Protection Agency (''EPA''), Region 2, of two proposed settlement agreements pursuant to

Sections 106 and 122 of CERCLA, for Removal Action by Bona Fide Prospective Purchaser (''Settlement Agreements''), entered into by and between EPA, Region 2, LSG 363 Bond Street LLC and LSG 365 Bond Street LLC (''Purchasers'') (collectively, the ''Parties'') under CERCLA. Under the Settlement Agreements, the Purchasers agree to perform a removal action and pay certain response costs in connection with the Gowanus Canal Superfund Site (''Site'') located in Brooklyn, Kings County, New York and properties located at 388 Carroll Street, 363 Bond Street, and 365 Bond Street, Brooklyn, New York (collectively, the ''Properties'').

The Settlement Agreements include a covenant by EPA not to sue or to take administrative action against the Purchasers pursuant to Sections 106 and 107 of CERCLA, with regard to the Existing Contamination, as defined in the Settlement Agreements. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the Settlement Agreements. EPA will consider all comments received and may modify or withdraw its consent to the Settlement Agreements if comments received disclose facts or considerations that indicate that the proposed Settlement Agreements are inappropriate, improper or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region 2 offices, 290 Broadway, New York, New York 10007–1866.

DATES: Comments must be submitted on or before October 8, 2014.

ADDRESSES: The proposed Settlement Agreements can be viewed at *http://www.epa.gov/region02/superfund/npl/gowanus/additionaldocs.html.* They are also available for public inspection at EPA Region 2 offices at 290 Broadway, New York, New York 10007–1866. A copy may also be obtained from Brian Carr, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. EPA Region 2, 290 Broadway—17th Floor, New York, New York 10007–1866, 212–637–3170, *carr.brian@epa.gov.* Comments should reference the Gowanus Canal Superfund Site, Brooklyn, New York., Index Nos. CERCLA–02–2014–2004 and CERCLA–02–2014–2008, and should be sent by mail or email to Brian Carr, Assistant Regional Counsel, at the address or email address above.

FOR FURTHER INFORMATION CONTACT: Brian Carr, Assistant Regional Counsel, at the address, email or telephone number stated above.

Dated: August 26, 2014.

John E. LaPadula,

Acting Director, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2.

[FR Doc. 2014–21291 Filed 9–5–14; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: 2014–0042]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP088514XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States (''Ex-Im Bank''), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million (as calculated in accordance with Section 3(c)(10) of the Charter). Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction. Comments received will be made available to the public.

DATES: Comments must be received on or before October 3, 2014 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

ADDRESSES: Comments may be submitted through Regulations.gov at *WWW.REGULATIONS.GOV.* To submit a comment, enter *[EIB–2014–0042] [OGC to insert Regulations.gov docket number]* under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and *[EIB–2014–0042]* on any attached document.

Reference: AP088514XX.

Purpose and Use:

Brief description of the purpose of the transaction:

To support the export of U.S.-manufactured commercial aircraft to Canada.

Brief non-proprietary description of the anticipated use of the items being exported:

To be used for long-haul passenger air service between Canada and other countries. To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties: Principal Supplier: The Boeing Company.

Obligor: Air Canada.

Guarantor(s): N/A.

Description of Items Being Exported: Boeing 787 aircraft.

Information on Decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Lloyd Ellis,

Program Specialist, Office of the General Counsel.

[FR Doc. 2014–21238 Filed 9–5–14; 8:45 am]

BILLING CODE 6690–01–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

Farm Credit System Insurance Corporation Board; Regular Meeting

AGENCY: Farm Credit System Insurance Corporation.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given of the regular meeting of the Farm Credit System Insurance Corporation Board (Board).

Date and Time: The meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on September 11, 2014, from 1:00 p.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, at (703) 883–4009. The matters to be considered at the meeting are:

Closed Session

- FCSIC Report on System Performance

Open Session

A. Approval of Minutes

- June 12, 2014

B. Business Reports

- FCSIC Quarterly Financial Reports
- Report on Insured and Other Obligations
- Quarterly Report on Annual Performance Plan

C. New Business

- Annual Performance Plan FY 2015–2016
- Proposed 2015 and 2016 Budgets
- Insurance Fund Progress Review and Setting of Premium Range Guidance for 2015

Dated: September 3, 2014.

Dale L. Aultman,

Secretary, Farm Credit System Insurance Corporation Board.

[FR Doc. 2014–21317 Filed 9–5–14; 8:45 am]

BILLING CODE 6710–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (3064–0084)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comment on renewal of the information collection described below.

DATES: Comments must be submitted on or before November 7, 2014.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/.*
- *Email: comments@fdic.gov* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the FDIC address above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently-approved collection of information:

Title: Account Based Disclosures in Connection with Federal Reserve Regulations E, CC, and DD.

OMB Number: 3064–0084.

Affected Public: Insured financial institutions.

Estimated Annual Burden Hours:

Regulation E: 2,664,895 hours
Regulation CC: 471,551 hours
Regulation DD: 325,398 hours

Total Estimated Burden Hours: 3,461,844 hours.

General Description of Collection: The FDIC's OMB-approved collection provides for the application of the information collection requirements of three FRB rules to state nonmember banks. The three rules are:

- Regulation E (''Electronic Fund Transfers,'' 12 CFR part 205);
- Regulation CC (''Availability of Funds,'' 12 CFR part 229); and
- Regulation DD (''Truth in Savings,'' 12 CFR part 230).

Generally, the Regulation E disclosures are designed to ensure consumers receive adequate disclosure of basic terms, costs, and rights relating to electronic fund transfer (EFT) services provided to them so that they can make informed decisions. Like Regulation E, Regulation CC has consumer protection disclosure requirements. Specifically, Regulation CC requires depository institutions to make funds deposited in transaction accounts available within specified time periods, disclose their availability policies to customers, and begin accruing interest on such deposits promptly.

Regulation DD also has similar consumer protection disclosure requirements that are intended to assist consumers in comparing deposit accounts offered by institutions, principally through the disclosure of fees, the annual percentage yield, and other account terms. Regulation DD requires depository institutions to disclose yields, fees, and other terms concerning deposit accounts to consumers at account opening, upon request, and when changes in terms occur.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 2nd day of September 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–21208 Filed 9–5–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 3:07 p.m. on Wednesday, September 3, 2014, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a matter related to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Jeremiah O. Norton (Appointive), concurred in by Director Thomas J. Curry (Comptroller of the Currency), Director Richard Cordray (Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matter which was to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsection (c)(2) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street NW., Washington, DC.

Dated: September 3, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–21368 Filed 9–4–14; 11:15 am]

BILLING CODE 6714–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–PBS–2014–01; Docket No. 2014–0002; Sequence No. 11]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Federal Bureau of Investigation Headquarters Consolidation and Exchange of the J. Edgar Hoover Building

AGENCY: U.S. General Services Administration (GSA), Lead; Federal Bureau of Investigation (FBI), Cooperating Agency.

ACTION: Notice of Intent to prepare an Environmental Impact Statement and public meeting.

SUMMARY: Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), GSA plans to prepare an Environmental Impact Statement (EIS) for the proposed Federal Bureau of Investigation Headquarters (FBI HQ) Consolidation to guide the evaluation of alternatives for a new permanent location for the FBI HQ, and to look at the impacts from the exchange of the J. Edgar Hoover Building. GSA also will be initiating related consultation under Section 106 of the National Historic Preservation Act (NHPA) for the project.

DATES: *Effective:* September 8, 2014.

The public scoping meeting dates are:

1. *Springfield Site:* Monday, September 22, 2014 from 5:30 p.m. until 8:30 p.m. eastern standard time.

2. *Greenbelt Site:* Tuesday, September 23, 2014 from 5:30 p.m. until 8:30 p.m. eastern standard time.

3. *JEH Exchange:* Wednesday, October 1, 2014 from 5:00 p.m. until 8:00 p.m. eastern standard time.

4. *Landover Site:* Thursday, October 2, 2014 from 5:30 p.m. until 8:30 p.m. eastern standard time.

ADDRESSES: The meeting locations are:

1. *Springfield Site:* Robert E. Lee High School located at 6540 Franconia Rd., Springfield, VA 22150.

2. *Greenbelt Site:* Greenbelt Library located at 11 Crescent Rd., Greenbelt, MD 20770.

3. *JEH Exchange:* District Architecture Center located at 421 7th St. NW., Washington, DC 20004.

4. *Landover Site:* Prince George's County Sports and Learning Complex located at 8001 Sheriff Rd., Hyattsville, MD 20785.

FOR FURTHER INFORMATION CONTACT: Nia Francis, Project Manager, GSA, National Capital Region, at (202) 205–1937. Also, please call this number if special assistance is needed to attend and participate in the scoping meeting.

SUPPLEMENTARY INFORMATION: Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 United States Code (U.S.C.) 4321–4347; the Council on Environmental Quality Regulations (Code of Federal Regulations (CFR), Title 40, chapter V, parts 1500–1508); GSA Order ADM 1095.1F (Environmental considerations in decision-making, dated October 19, 1999); and the GSA Public Buildings Service NEPA Desk Guide, dated October 1999, GSA plans to prepare an Environmental Impact Statement (EIS) for the proposed FBI HQ Consolidation to guide the evaluation of alternatives for a new permanent location for the FBI HQ. GSA also will be initiating related consultation under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f) and 470(h–2), 36 CFR Part 800 (Protection of Historic Properties) for the project.

GSA intends to prepare an EIS to analyze the potential impacts resulting from the proposed action, which encompasses two parts: (1) Acquisition of a consolidated FBI HQ at a new permanent location; and (2) exchange of the J. Edgar Hoover (JEH) Building parcel.

Background

The purpose of the proposed action is to: (1) Consolidate the existing FBI HQ offices and divisions into one location in the greater Washington DC area; and (2) provide the FBI with a headquarters facility that meets the Interagency Security Council (ISC) Level V security standards. This standard is reserved for agencies with mission functions critical to national security or continuation of government.

A consolidated FBI HQ is needed to support information sharing, collaboration, and integration of strategic priorities. Currently, the aging JEH Building houses only 52 percent of headquarters staff with the remainder dispersed over multiple locations in the National Capital Region. Fragmentation resulting from FBI HQ's multiple locations diverts time and resources from investigations, hampers coordination and collaboration, and decreases flexibility. Dispersion across multiple locations also gives rise to redundancy in operations and inefficient use of space. The consolidation is needed to eliminate redundancies and provide for significant space savings.

The proposed action is needed to provide a FBI HQ that meets the Level V ISC security standard. Currently, FBI HQ elements are housed in the JEH Building and multiple locations in the greater Washington, DC area that do not meet the Level V ISC security standard. Additionally, the FBI needs a facility that supports the mission of the agency and allows the agency to defend against terrorists, weapons of mass destruction, and other threats. As an integral agency for the management of intelligence and national security programs, the FBI needs a HQ facility that provides highly reliable utilities and infrastructure.

GSA is the lead agency for the FBI HQ consolidation and exchange of JEH, and associated NEPA and NHPA compliance. FBI is a cooperating agency for NEPA and a signatory consulting party for NHPA.

JEH Building Exchange

The new FBI HQ would be built by a developer, on one of the acceptable sites identified by GSA and FBI through a site selection process that concluded with an announcement of short listed sites on July 29, 2014. Following construction of the new FBI HQ and acceptance of the FBI HQ by GSA, title to JEH will be transferred to the developer to offset the cost of the new FBI HQ.

Alternatives Under Consideration

As part of the EIS, GSA will study the impacts of developing an up to 2.1 million rentable square feet consolidated FBI HQ on three site alternatives. These sites are:

• Greenbelt—this site is known as the Greenbelt Metro Station located near the intersection of Interstates 95/495 and Greenbelt Station (exit 24) in Prince George's County, Maryland.

• Landover—this site is known as the former Landover Mall located along Brightseat Road near the intersection of Interstates 95/495 (exit 17) and Landover Road (MD 202) in Prince George's County, Maryland.

• Springfield—this site is known as the GSA Franconia Warehouse Complex located along Loisdale Road just south of the Franconia-Springfield Parkway overpass and east of Interstate 95 in Fairfax County, Virginia.

Additionally, GSA will study potential impacts related to the exchange of the JEH parcel. GSA also will evaluate a ''No Action Alternative'', in which FBI would remain in the current locations without consolidation at a new permanent location.

Resource areas to be addressed in the EIS will include, but not be limited to: Air quality, noise, land use, socioeconomics, traffic and transportation, infrastructure and community services, natural resources, biological resources, cultural resources, and safety and environmental hazards. The analysis will evaluate direct, indirect, and cumulative impacts. Relevant and reasonable measures that could avoid or mitigate environmental effects will also be analyzed. In conjunction with the NEPA process, GSA will undertake any consultations required by applicable laws or regulations, including NHPA.

Scoping Process

In accordance with NEPA, a scoping process will be conducted to: (1) Aid in determining the alternatives to be considered and the scope of issues to be addressed; and (2) identify the significant environmental issues related to the proposed FBI HQ consolidation that should be addressed during the preparation of the Draft EIS. Scoping will be accomplished through a series of public scoping meetings; mail and email correspondence to potentially interested persons, agencies, and organizations; social media and other web-based communications; and meetings with agencies having an interest in the FBI HQ consolidation. GSA is also using the NEPA scoping process to facilitate consultation with the public under Section 106 of the NHPA (36 CFR Part 800). GSA welcomes comments from the public to ensure that the agency takes into account the effects of the proposed action on historic and cultural resources.

GSA will publish announcement notices in the *Washington Post, Washington Business Journal, Springfield Connection, Greenbelt Patch,* and *Hyattsville Patch* approximately one to two weeks prior to the public scoping meetings. After receiving scoping comments, GSA will respond to them in the EIS and through the Section 106 consultation process. GSA will make available to the public a comment/response matrix summarizing the scoping and Section 106 comments in the Draft and Final EIS.

Written Comments: Agencies and the public are encouraged to provide written comments on the scoping issues related to the EIS for the proposed FBI HQ consolidation in addition to, or in lieu of, providing comments at the public scoping meeting. Written comments must be postmarked no later than October 23, 2014, and sent to the General Services Administration, Attention: Nia Francis, Project Manager, 301 7th Street SW., Room 4004, Washington, DC 20407. Email: *fbiheadquarters@gsa.gov* using the subject line: NEPA Scoping Comment.

Dated: September 3, 2014.

Mina Wright,

Director, Office of Planning and Design Quality, National Capital Region, Public Buildings Service.

[FR Doc. 2014–21329 Filed 9–5–14; 8:45 am]

BILLING CODE 6820–23–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HIT Standards Committee; Schedule for the Assessment of HIT Policy Committee Recommendations

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice.

SUMMARY: Section 3003(b)(3) of the American Recovery and Reinvestment Act of 2009 mandates that the HIT Standards Committee develop a schedule for the assessment of policy recommendations developed by the HIT Policy Committee and publish it in the **Federal Register**. This notice fulfills the requirements of Section 3003(b)(3) and updates the schedule posted in the **Federal Register** on May 8, 2013. In anticipation of receiving recommendations originally developed by the HIT Policy Committee, the HIT Standards Committee has created six (6) workgroups to analyze the following areas: (1) Content standards; (2) semantic standards; (3) transport and security; (4) implementation, certification, and testing; (5) architecture, services and application program interfaces (APIs); (6) a steering committee to provide continuity across all other groups. Other groups are convened to address specific issues as needed.

HIT Standards Committee's Schedule for the Assessment of HIT Policy Committee Recommendations is as follows:

The National Coordinator will establish priority areas based in part on recommendations received from the HIT Policy Committee regarding health information technology standards, implementation specifications, and/or certification criteria. Once the HIT Standards Committee is informed of those priority areas, it will:

(A) Direct the appropriate workgroup or other special group to develop a report for the HIT Standards Committee, to the extent possible, within 90 days, which will include, among other items, the following:

(1) An assessment of what standards, implementation specifications, and certification criteria are currently available to meet the priority area;

(2) An assessment of where gaps exist (*i.e.,* no standard is available or harmonization is required because more than one standard exists) and identify potential organizations that have the capability to address those gaps; and

(3) a timeline, which may also account for NIST testing, where appropriate, and include dates when the HIT Standards Committee is expected to issue recommendation(s) to the National Coordinator.

(B) Upon receipt of a report from a workgroup or other special group, the HIT Standards Committee will:

(1) Accept the timeline provided by the subcommittee, and, if necessary, revise it; and

(2) assign subcommittee(s) to conduct research and solicit testimony, where appropriate, and issue recommendations to the full committee in a timely manner.

(C) Advise the National Coordinator, consistent with the accepted timeline in (B)(1) and after NIST testing, where appropriate, on standards, implementation specifications, and/or certification criteria, for the National Coordinator's review and determination whether or not to endorse the recommendations, and possible adoption of the proposed recommendations by the Secretary of the Department of Health and Human Services.

The standards and related topics which the HIT Standards Committee is expected to address over the coming year include, but may not be limited to: Quality measurement; the extended portfolio of standards for the nationwide health information network; distributed queries and results; radiology; consumer-mediated information exchange; public health; data portability; and a process for the maintenance of standards.

For a listing of upcoming HIT Standards Committee meetings, please visit the ONC Web site at *http://www.healthit.gov/facas/calendar.*

Notice of this schedule is given under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5), section 3003.

Dated: August 18, 2014.

Michelle Consolazio,

FACA Lead, Office of Policy, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2014–21333 Filed 9–5–14; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–0666]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

National Healthcare Safety Network (NHSN) (OMB No. 0920–0666), exp. 12/31/2015—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Healthcare Safety Network (NHSN) is a system designed to accumulate, exchange, and integrate relevant information and resources among private and public stakeholders to support local and national efforts to protect patients and promote healthcare safety. Specifically, the data is used to determine the magnitude of various healthcare-associated adverse events and trends in the rates of these events among patients and healthcare workers with similar risks. The data will be used to detect changes in the epidemiology of adverse events resulting from new and current medical therapies and changing risks. The NHSN currently consists of five components: Patient Safety, Healthcare Personnel Safety, Biovigilance, Long-Term Care Facility (LTCF), and Dialysis. Two new components will be added within the next one to two years: Outpatient Procedure and Antimicrobial Use & Resistance.

The Antimicrobial Use and Resistance (AUR) component will be launched within NHSN that will specifically examine antimicrobial use (AU) and antimicrobial resistance (AR) within healthcare facilities. The goal of the AUR component is to provide a mechanism for facilities to report and analyze antimicrobial use and/or resistance as part of local or regional efforts to reduce antimicrobial resistant infections through antimicrobial stewardship efforts or interruption of transmission of resistant pathogens at their facility. This revision submission includes one new form specific to the NHSN AUR component.

Significant additions were made to three NHSN facility surveys. Questions about infection control practices were added to gain a better understanding of current practices and identify areas to target prevention efforts among facilities that have reported a multidrug-resistant organism. Questions about antibiotic stewardship were added to gain a better understanding of current efforts to improve antibiotic use in hospitals and to assess the quality of hospital antibiotic stewardship programs.

Additionally, minor revisions have been made to 31 other forms within the package to clarify and/or update surveillance definitions. Three forms are being removed as patient vaccination monitoring will be removed from NHSN.

The previously approved NSHN package included 56 individual collection forms; the current revision request adds one new form and removes three forms for a total of 54 forms. The reporting burden will increase by 172,943 hours, for a total of 4,277,716 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Registered Nurse (Infection Preventionist)	NHSN Registration Form	2,000	1	5/60
Registered Nurse (Infection Preventionist)	Facility Contact Information	2,000	1	10/60
Registered Nurse (Infection Preventionist)	Patient Safety Component—Annual Hospital Survey.	6,000	1	50/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Registered Nurse (Infection Preventionist)	Group Contact Information	1,000	1	5/60
Registered Nurse (Infection Preventionist)	Patient Safety Monthly Reporting Plan	6,000	12	15/60
Registered Nurse (Infection Preventionist)	Primary Bloodstream Infection (BSI)	6,000	44	30/60
Registered Nurse (Infection Preventionist)	Pneumonia (PNEU)	6,000	72	30/60
Registered Nurse (Infection Preventionist)	Ventilator-Associated Event	6,000	144	25/60
Registered Nurse (Infection Preventionist)	Urinary Tract Infection (UTI)	6,000	40	30/60
Staff RN	Denominators for Neonatal Intensive Care Unit (NICU).	6,000	9	3
Staff RN	Denominators for Specialty Care Area (SCA)/Oncology (ONC).	6,000	9	5
Staff RN	Denominators for Intensive Care Unit (ICU)/ Other locations (not NICU or SCA).	6,000	54	5
Registered Nurse (Infection Preventionist)	Surgical Site Infection (SSI)	6,000	36	35/60
Staff RN	Denominator for Procedure	6,000	540	5/60
Laboratory Technician	Antimicrobial Use and Resistance (AUR)-Microbiology Data Electronic Upload Specification Tables.	6,000	12	5/60
Pharmacy Technician	Antimicrobial Use and Resistance (AUR)-Pharmacy Data Electronic Upload Specification Tables.	6,000	12	5/60
Registered Nurse (Infection Preventionist)	Central Line Insertion Practices Adherence Monitoring.	1,000	100	5/60
Registered Nurse (Infection Preventionist)	MDRO or CDI Infection Form	6,000	72	30/60
Registered Nurse (Infection Preventionist)	MDRO and CDI Prevention Process and Outcome Measures Monthly Monitoring.	6,000	24	15/60
Registered Nurse (Infection Preventionist)	Laboratory-identified MDRO or CDI Event	6,000	240	15/60
Registered Nurse (Infection Preventionist)	Long-Term Care Facility Component—Annual Facility Survey.	250	1	1
Registered Nurse (Infection Preventionist)	Laboratory-identified MDRO or CDI Event for LTCF.	250	8	15/60
Registered Nurse (Infection Preventionist)	MDRO and CDI Prevention Process Measures Monthly Monitoring for LTCF.	250	12	5/60
Registered Nurse (Infection Preventionist)	Urinary Tract Infection (UTI) for LTCF	250	9	30/60
Registered Nurse (Infection Preventionist)	Monthly Reporting Plan for LTCF	250	12	5/60
Registered Nurse (Infection Preventionist)	Denominators for LTCF Locations	250	12	3.25
Registered Nurse (Infection Preventionist)	Prevention Process Measures Monthly Monitoring for LTCF.	250	12	5/60
Registered Nurse (Infection Preventionist)	LTAC Annual Survey	400	1	50/60
Registered Nurse (Infection Preventionist)	Rehab Annual Survey	1,000	1	50/60
Registered Nurse (Infection Preventionist)	Antimicrobial Use & Resistance Component—Monthly Reporting Plan.	100	12	5/60
Occupational Health RN/Specialist	Healthcare Personnel Safety Component Annual Facility Survey.	50	1	8
Occupational Health RN/Specialist	Healthcare Personnel Safety Monthly Reporting Plan.	11,000	1	5/60
Occupational Health RN/Specialist	Healthcare Worker Demographic Data	50	200	20/60
Occupational Health RN/Specialist	Exposure to Blood/Body Fluids	50	50	1
Occupational Health RN/Specialist	Healthcare Worker Prophylaxis/Treatment	50	30	15/60
Laboratory Technician	Follow-Up Laboratory Testing	50	50	15/60
Occupational Health RN/Specialist	Healthcare Worker Prophylaxis/Treatment-Influenza.	50	50	10/60
Medical/Clinical Laboratory Technologist	Hemovigilance Module Annual Survey	500	1	2
Medical/Clinical Laboratory Technologist	Hemovigilance Module Monthly Reporting Plan.	500	12	1/60
Medical/Clinical Laboratory Technologist	Hemovigilance Module Monthly Reporting Denominators.	500	12	1
Medical/Clinical Laboratory Technologist	Hemovigilance Adverse Reaction	500	48	15/60
Medical/Clinical Laboratory Technologist	Hemovigilance Incident	500	10	10/60
Staff RN	Outpatient Procedure Component—Annual Facility Survey.	5,000	1	5/60
Staff RN	Outpatient Procedure Component—Monthly Reporting Plan.	5,000	12	15/60
Staff RN	Outpatient Procedure Component Event	5,000	25	40/60
Staff RN	Outpatient Procedure Component—Monthly Denominators and Summary.	5,000	12	40/60
Registered Nurse (Infection Preventionist)	Outpatient Dialysis Center Practices Survey	6,500	1	1.75
Staff RN	Dialysis Monthly Reporting Plan	6,500	12	5/60
Staff RN	Dialysis Event	6,500	60	20/60
Staff RN	Denominators for Dialysis Event Surveillance	6,500	12	6/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Staff RN	Prevention Process Measures Monthly Monitoring for Dialysis.	1,500	12	30/60
Staff RN	Dialysis Patient Influenza Vaccination	325	75	10/60
Staff RN	Dialysis Patient Influenza Vaccination Denominator.	325	5	10/60
Epidemiologist	State Health Department Validation Record	152	50	15/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–21257 Filed 9–5–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS Computer Match No. 2014–04; HHS Computer Match No. 1402]

Privacy Act of 1974

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of Computer Matching Program (CMP).

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended; the Improper Payments Elimination and Recovery Improvement Act of 2012, Public Law (Pub. L.) 112–248, 126 Stat. 2390 (31 U.S.C. 3321 (note)); and OMB Memorandum M–13–20 (Protecting Privacy while Reducing Improper Payments with the Do Not Pay Initiative), this notice announces the establishment of a CMP that CMS plans to conduct with the Bureau of the Fiscal Service (Fiscal Service), Department of Treasury.

DATES: *Effective Dates:* Comments are invited on all portions of this notice. Public comments are due 30 days after publication. The matching program will become effective no sooner than 40 days after the report of the matching program is sent to Office of Management and Budget (OMB) and Congress, or 30 days after publication in the **Federal Register**, whichever is later.

ADDRESSES: The public should send comments to: CMS Privacy Officer, Division of Privacy Policy, Privacy Policy and Compliance Group, Office of E-Health Standards & Services, Offices of Enterprise Management, CMS, Room S2–24–25, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m.—3:00 p.m., Eastern Time zone.

FOR FURTHER INFORMATION CONTACT: John Sofokles, Government Technical Lead, Systems Management Division (SMD), Data Analytics and Control Group (DACG), Center for Program Integrity (CPI), CMS, Mail Stop AR–18–50, 7500 Security Boulevard, Baltimore, MD 21244–1805, Office Phone: 410–786–6373, Email: *John.Sofokles@cms.hhs.gov*

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 101–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records (SOR) are matched with other Federal, state, or local government records. It requires Federal agencies involved in computer matching programs to:

1. Negotiate written agreements with the other agencies participating in the matching programs;

2. Obtain the Data Integrity Board approval of the match agreements;

3. Furnish detailed reports about matching programs to Congress and OMB;

4. Notify applicants and beneficiaries that the records are subject to matching; and,

5. Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

This matching program meets the requirements of the Privacy Act of 1974, as amended.

Celeste Dade-Vinson,

Health Insurance Specialist, Centers for Medicare & Medicaid Services.

CMS Computer Match No. 2014–04
HHS Computer Match No. 1402

NAME:

''Computer Matching Agreement between the Department of Health and Human Services, Centers for Medicare & Medicaid Services, and the Department of Treasury, Bureau of the Fiscal Service to Detect Instances of Programmatic Waste, Fraud, and Abuse''

SECURITY CLASSIFICATION:

Unclassified

PARTICIPATING AGENCIES:

Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) and the Department of Treasury, Bureau of the Fiscal Service (Fiscal Service).

AUTHORITY FOR CONDUCTING MATCHING PROGRAM:

This Computer Matching Program (CMP) is executed to comply with the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, the Improper Payments Elimination and Recovery Improvement Act of 2012, Public Law 112–248, 126 Stat. 2390 (31 U.S.C. 3321 (note)); OMB Memorandum M–13–20 (Protecting Privacy while Reducing Improper Payments with the Do Not Pay Initiative); the Office of Management and Budget (OMB) Circular A–130 entitled, Management of Federal Information Resources, at 61 FR 6428–6435 (February 20, 1996), and OMB guidelines pertaining to computer matching at 54 FR 25818 (June 19, 1989) and 56 FR 18599 (April 23, 1991); and the computer matching portions of Appendix I to OMB Circular No. A–130 as amended at 61 FR 6428, February 20, 1996;

PURPOSE (S) OF THE MATCHING PROGRAM:

The purpose of this matching program is to reduce improper payments by authorizing Fiscal Service to provide CMS, through the U.S. Department of the Treasury's Working System as defined by OMB Memorandum M–13–20 (Protecting Privacy while Reducing Improper Payments with the Do Not Pay Initiative), identifying information from Fiscal Service's SOR Treasury/Fiscal Service .023 about individuals and entities excluded from receiving federal payments, contract awards, and other benefits. The information resulting from this matching program will be provided to CMS for use in determining whether an individual or entity is eligible to receive federal payments, contract awards, or other benefits. The CMS Center for Program Integrity intends to use information resulting from this matching program in a variety of activities related to the enrollment of healthcare professionals, to check payments made to providers and physicians, to verify that providers submitting claims are not deceased, and to collect debts owed to federal or state governments.

Using a CMP for this purpose eliminates the need for each payment, procurement and benefit program to execute several Memoranda of Agreements with multiple federal agencies, provides access to up-to-date information, and avoids the need to manually compare files.

DESCRIPTION OF RECORDS TO BE USED IN THE MATCHING PROGRAM:

The matching program will be conducted with data maintained by CMS in the ''Provider Enrollment, Chain, and Ownership System (PECOS),'' System No. 09–70–0532, established at 66 FR 51961 (October 11, 2001). PECOS routine use number 2 will allow PECOS data to be disclosed to Fiscal Service to assist Fiscal Service in contributing to the accuracy of CMS Medicare benefit payments. PECOS routine use number 1 will allow match results data that PECOS obtains from Treasury's Working System to be disclosed to CMS contractors, consultants, and grantees assisting CMS with PECOS purposes.

Fiscal Service will provide CMS with information comprised of match results originating from the matching activities between CMS SOR data and Fiscal Service's Treasury/Fiscal Service .023, as published at 78 **Federal Register** (FR), 73923, December 9, 2013. Fiscal Service data will be used in matching activities and match results released to CMS via Treasury's Working System. Routine use A allows the Fiscal Service to disclose information to CMS in identifying, preventing, or recouping improper payments.

INCLUSIVE DATES OF THE MATCH:

The CMP shall become effective no sooner than 40 days after the report of the matching program is sent to OMB and Congress, or 30 days after publication in the **Federal Register**, whichever is later. The matching program shall be valid for a period of less than 3 years from the effective date and may be extended for not more than 3 years thereafter, if certain conditions are met.

[FR Doc. 2014–21240 Filed 9–5–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Information Comparison with Insurance Data

OMB No.: 0970–0342.

Description: The Insurance Match program is a cooperative effort between state child support agencies, insurers, and the federal Office of Child Support Enforcement (OCSE). Using an efficient, secure, and cost effective automated matching process, OCSE works with participating insurers to help state child support agencies collect past-due support for families by comparing information maintained in the OCSE Debtor File pertaining to delinquent noncustodial parents to information pertaining to individuals eligible to receive a payment from an insurance claim, settlement, award, or payment. State child support agency and insurer participation in the Insurance Match program is voluntary.

The information collection activities associated with the Insurance Match program are authorized by: 42 U.S.C. 652(l) (to be redesignated (m)) which authorizes the Secretary of the U.S. Department of Health and Human Services through the Federal Parent Locator Service (FPLS), to conduct comparisons of information concerning individuals owing past-due child support with information maintained by insurers (or their agents) concerning insurance claims, settlements, awards and payments.

Respondents: Insurers or their agents, state agencies administering workers' compensation programs, and the Insurance Services Office (ISO).

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Insurance Match File	28	12	0.5	168

Estimated Total Annual Burden Hours: 168.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–21318 Filed 9–5–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Data System for Organ Procurement and Transplantation Network

OMB No.: 0915–0157—Revision

Abstract: Section 372 of the Public Health Service (PHS) Act requires that the Secretary, by contract, provide for the establishment and operation of an Organ Procurement and Transplantation Network (OPTN). This is a request for revisions to current OPTN data collection forms associated with donor organ procurement and an individual's clinical characteristics at the time of registration, transplant, and follow-up after the transplant. Data for the OPTN data system are collected from transplant hospitals, organ procurement organizations, and tissue-typing laboratories. The information is used to indicate the disease severity of transplant candidates, to monitor compliance of member organizations with OPTN rules and requirements, and to report periodically on the clinical and scientific status of organ donation and transplantation in this country. Data are used to develop transplant, donation, and allocation policies, to determine whether institutional members are complying with policy, to determine member-specific performance, to ensure patient safety and to fulfill the requirements of the OPTN Final Rule. The practical utility of the data collection is further enhanced by requirements that the OPTN data must be made available, consistent with applicable laws, for use by OPTN members, the Scientific Registry of Transplant Recipients, the Department of Health and Human Services, and members of the public for evaluation, research, patient information, and other important purposes.

Likely Respondents: Transplant programs, organ procurement organizations, histocompatibility laboratories, medical and scientific organizations, and public organizations.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to: review instructions; develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; train personnel to respond to a request for collection of information; search data sources; complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

Section/activity	Number of respondents	Average number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total burden hours
Deceased Donor Registration	58	158.2	9174	1.1	10091.4
Living Donor Registration	290	20.6	5984	1.8	10771.2
Living Donor Follow-up	290	60.7	17610	1.3	22893.0
Donor Histocompatibility	151	96.7	14598	0.2	2919.6
Recipient Histocompatibility	151	173.5	26199	0.4	10479.6
Heart Candidate Registration	131	30.5	3991	0.9	3591.9
Heart Recipient Registration	131	19.3	2525	1.4	3535.0
Heart Follow Up (6 Month)	131	17.0	2229	0.4	891.6
Heart Follow Up (1–5 Year)	131	73.9	9683	0.9	8714.7
Heart Follow Up (Post 5 Year)	131	115.2	15091	0.5	7545.5
Heart Post-Transplant Malignancy Form	131	11.0	1447	0.9	1302.3
Lung Candidate Registration	64	39.6	2534	0.9	2280.6
Lung Recipient Registration	64	30.0	1923	1.4	2692.2
Lung Follow Up (6 Month)	64	26.2	1677	0.5	838.5
Lung Follow Up (1–5 Year)	64	99.4	6364	1.1	7000.4
Lung Follow Up (Post 5 Year)	64	65.6	4201	0.6	2520.6
Lung Post-Transplant Malignancy Form	64	1.5	99	0.4	39.6
Heart/Lung Candidate Registration	63	0.7	46	1.1	50.6
Heart/Lung Recipient Registration	63	0.3	21	1.4	29.4
Heart/Lung Follow Up (6 Month)	63	0.3	20	0.8	16
Heart/Lung Follow Up (1–5 Year)	63	1.5	97	1.1	106.7
Heart/Lung Follow Up (Post 5 Year)	63	3.1	194	0.6	116.4

Section/activity	Number of respondents	Average number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total burden hours
Heart/Lung Post-Transplant Malignancy Form	63	0.2	12	0.4	4.8
Liver Candidate Registration	135	89.2	12048	0.8	9638.4
Liver Recipient Registration	135	47.8	6457	1.3	8394.1
Liver Follow-up (6 Month–5 Year)	135	231.1	31194	1	31194.0
Liver Follow-up (Post 5 Year)	135	256.5	34622	0.5	17311.0
Liver Recipient Explant Pathology Form	135	12.3	1665	0.6	999.0
Liver Post-Transplant Malignancy	135	13.2	1786	0.8	1428.8
Intestine Candidate Registration	41	4.4	182	1.3	236.6
Intestine Recipient Registration	41	2.7	109	1.8	196.2
Intestine Follow Up (6 Month–5 Year)	41	13.3	547	1.5	820.5
Intestine Follow Up (Post 5 Year)	41	13.5	553	0.4	221.2
Intestine Post-Transplant Malignancy Form	41	0.6	25	1.0	25.0
Kidney Candidate Registration	233	162.6	37880	0.8	30304.0
Kidney Recipient Registration	233	72.5	16904	1.3	21975.2
Kidney Follow-Up (6 Month–5 Year)	233	379.5	88422	0.9	79579.8
Kidney Follow-up (Post 5 Year)	233	346.7	80770	0.5	40385.0
Kidney Post-Transplant Malignancy Form	233	18.1	4213	0.8	3370.4
Pancreas Candidate Registration	134	3.6	479	0.9	431.1
Pancreas Recipient Registration	134	1.9	259	1.1	284.9
Pancreas Follow-up (6 Month–5 Year)	134	10.4	1398	1.0	1398.0
Pancreas Follow-up (Post 5 Year)	134	13.5	1804	0.5	902.0
Pancreas Post-Transplant Malignancy Form	134	0.8	108	0.6	64.8
Kidney/Pancreas Candidate Registration	134	9.6	1280	0.9	1152.0
Kidney/Pancreas Recipient Registration	134	5.7	760	1.1	836.0
Kidney/Pancreas Follow-up (6 Month–5 Year)	134	33.6	4509	1.0	4509.0
Kidney/Pancreas Follow-up (Post 5 Year)	134	48.2	6465	0.6	3879.0
Kidney/Pancreas Post-Transplant Malignancy Form	134	1.6	211	0.4	84.4
VCA Candidate Registration	9	1.7	15	0.4	6.0
VCA Recipient Registration	9	1.7	15	1.3	19.5
VCA Recipient Follow Up	9	1.7	15	1.0	15.0
Total	*453		460414		358092.5

* Total number of OPTN member institutions as of 6/6/2014. Number of respondents for transplant candidate or recipient forms based on number of organ specific programs associated with each form.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Dated: August 29, 2014.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–21283 Filed 9–5–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

Advisory Committee on Interdisciplinary, Community-Based Linkages; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Committee on Interdisciplinary, Community-Based Linkages (ACICBL).

Dates and Times: September 10, 2014 (8:30 a.m.–5:30 p.m.) and September 11, 2014 (8:30 a.m.–4:00 p.m.).

Place: In-Person Meeting, Webinar, and Conference Call Format.

Status: The meeting will be open to the public.

Purpose: The members of the ACICBL will continue discussions to develop the legislatively mandated 14th Annual Report to the Secretary of Health and Human Services and Congress. The Committee members have chosen the working topic: *Rethinking Complex Care: Preparing the Health Care Workforce to Foster Person-Centered Care.*

Agenda: The ACICBL agenda includes an opportunity for members to consult with experts in the area of complex care and to further discuss and develop a plan for developing the 14th Annual Report. The agenda will be available 2 days prior to the meeting on the HRSA Web site at *http://www.hrsa.gov/advisorycommittees/bhpradvisory/acicbl/acicbl.html*. Agenda items are subject to change as priorities dictate.

The Committee has invited Anand K. Parekh, Deputy Assistant Secretary for Health, U.S. Department of Health & Human Services; Tara A. Cortes, Executive Director, The Hartford Institute for Geriatric Nursing and Professor, NYU College of Nursing; Kimberly Lochner, Centers For Medicare & Medicaid Services, Office of Information Products and Data Analysis; Mark Sciegaj, Associate Professor of Health Policy and Administration, College of Health and Human Development, Pennsylvania State University; and Michael J. Barry, President, Informed Medical Decisions Foundation, to provide expertise in the areas of person-centered care, chronic care management, chronic disease prevention, and best practices to inform the Committee's effort to formulate appropriate recommendations for the Secretary and the Congress.

Public Comment: Requests to make oral comments or provide written comments to the ACICBL should be sent to Dr. Joan Weiss, Designated Federal Official, using the address and phone number below. Individuals who plan to participate on the conference call or webinar should notify Dr. Weiss at least 3 days prior to the meeting. Members of the public will have the opportunity to provide comments. Interested parties should refer to the meeting subject as the HRSA Advisory Committee on Interdisciplinary, Community-Based Linkages.

SUPPLEMENTARY INFORMATION: As this meeting will be a combined format of both in-person, webinar and conference call, members of the public and interested parties who wish to participate ''in-person'' should make an immediate request by emailing their first name, last name, and contact email to the Designated Federal Official for the committee, Dr. Joan Weiss, using the address and phone number below. Space is limited. Due to the fact that this meeting will be held within a federal government building and public entrance to such facilities require prior planning, access will be granted upon request only and will be on a first come, first served basis. The conference call-in number is 1–877–918–1352 and the passcode is 4961069. The webinar link is *https://hrsa.connectsolutions.com/advcmte/*.

The logistical challenges of scheduling this meeting hindered an earlier publication of this meeting notice.

FOR FURTHER INFORMATION CONTACT: Anyone requesting information regarding the ACICBL should contact Dr. Joan Weiss, Designated Federal Official within the Bureau of Health Workforce, Health Resources and Services Administration, in one of three ways: (1) Send a request to the following address: Dr. Joan Weiss, Designated Federal Official, Bureau of Health Workforce, Health Resources and Services Administration, Parklawn Building, Room 12C–05, 5600 Fishers Lane, Rockville, Maryland 20857; (2) call (301) 443–0430; or (3) send an email to *jweiss@hrsa.gov*.

Dated: August 29, 2014.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–21279 Filed 9–5–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

Accreditation and Approval of AmSpec Services, LLC, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec Services, LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of June 11, 2014.

DATES: *Effective Date:* The accreditation and approval of AmSpec Services, LLC, as commercial gauger and laboratory became effective on June 11, 2014. The next triennial inspection date will be scheduled for June 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, 12154–B River Rd., St. Rose, LA 70087, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. AmSpec Services, LLC is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

AmSpec Services, LLC is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–03	ASTM D–4006	Standard test method for water in crude oil by distillation.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–46	ASTM D–5002	Standard test method for density and relative density.
27–08	ASTM D–86	Standard test method for distillation of petroleum products at atmospheric pressure.
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–54	ASTM D–1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27–53	ASTM D–2709	Standard test method for water and sediment in middle distillate fuels by centrifuge.

CBPL No.	ASTM	Title
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–50	ASTM D–93	Standard test methods for flash point by Penske-Martens Closed Cup Tester.
27–14	ASTM D–2622	Standard test method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27–57	ASTM D–7039	Standard test method for Sulfur in Gasoline and diesel fuel by Monochromatic wavelength dispersive X-ray fluorescence spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*

Dated: September 2, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2014–21289 Filed 9–5–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation of Intertek USA, Inc., as a Commercial Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation of Intertek USA, Inc., as a commercial laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of April 29, 2014.

DATES: *Effective Dates:* The accreditation of Intertek USA, Inc., as commercial laboratory became effective on April 29, 2014. The next triennial inspection date will be scheduled for April 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12, that Intertek USA, Inc., 15602 Jacintoport Blvd., Houston, TX 77015, has been accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12.

Intertek USA, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–11	D 445	Standard test method of kinematic viscosity of transparent and opaque liquids.
27–48	D 4052	Standard test method for density and relative density of liquids by digital density meter.

Anyone wishing to employ this entity to conduct laboratory analyses should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test requested. Alternatively, inquiries regarding the specific test that this entity is accredited to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: September 2, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2014–21287 Filed 9–5–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD/AAK3000000/A0H501010/241A00]

Revision of Agency Information Collection for Indian Child Welfare Quarterly and Annual Report

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is seeking comments on the renewal of Office of Management and Budget (OMB)

approval for the collection of information for the Indian Child Welfare Quarterly and Annual Report, 25 CFR part 23. The information collection is currently authorized by OMB Control Number 1076–0131. This information collection expires November 30, 2014.

DATE: Submit comments on or before November 7, 2014.

ADDRESSES: You may submit comments on the information collection to Evangeline Campbell, Chief, Division of Human Services, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW., MS–4513–MIB, Washington, DC 20240; facsimile: (202) 208–5113; email: *Evangeline.Campbell@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Evangeline Campbell, (202) 513–7621.

SUPPLEMENTARY INFORMATION:

I. Abstract

The BIA is seeking to revise the information collection conducted under 25 CFR part 23, related to the Indian Child Welfare Act (ICWA). BIA collects information using a consolidated caseload form, which tribal ICWA program directors fill out. BIA uses the information to determine the extent of service needs in local Indian communities, assess ICWA program effectiveness, and provide date for the annual program budget justification. The aggregated report is not considered confidential. A response is required to obtain and/or retain a benefit.

The revision includes changes to the existing form, reducing which is now, Part A—Indian Child Welfare Act (ICWA) Data, and adds a new section, Part B—Tribal Child Abuse Neglect Data. Part A—ICWA Data has been simplified, including fewer categories that were no longer considered useful for planning purposes, based on feedback received from BIA Regional staff. Part B—Tribal Child Abuse and Neglect Data is a new section. Part B only applies to tribes that operate child protection programs.

A copy of the forms will be made available on the Web site at *http://www.bia.gov/WhoWeAre/BIA/OIS/HumanServices/index.htm* for review and comment. We estimate the hourly burden for Part A—ICWA Data will be reduced, from 30 minutes to 15 minutes, and when applicable, Part B—Tribal Child Abuse and Neglect Data is estimated to take approximately 15 minutes to complete.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0131.

Title: Indian Child Welfare Quarterly and Annual Report, 25 CFR part 23.

Brief Description of Collection: The BIA is seeking to revise the information collection conducted under 25 CFR part 23, related to the Indian Child Welfare Act (ICWA). The revisions includes changing the name of the collection (previously identified as Indian Child Welfare Assistance Report, 25 CFR part 83) to ''Indian Child Welfare Quarterly and Annual Report.'' BIA simplified the previous form, which is now Part A—Indian Child Welfare Act (ICWA) Data. The changes includes few categories that are no longer considered useful for planning purposes, based on feedback received from BIA regional staff. In addition, a new form has been added, Part B—Tribal Child Abuse and Neglect Data. This form must completed by tribes that operate child protection programs.

Submission of this information by Indian tribes allows BIA to consolidate and review selected data on Indian child welfare cases. The data is useful on a local level, to the tribes and tribal entities that collect it, for case management purposes. The data are useful on a nationwide basis for planning and budget purposes. Response is required to obtain or retain a benefit.

Type of Review: Revision of currently approved collection.

Respondents: Indian tribes or tribal entities that are operating programs for Indian tribes.

Number of Respondents: approximately 536 per year, on average, for Part A—ICWA Data; approximately 200 per year, on average, for Part B—Tribal Child Abuse Neglect Data.

Frequency of Response: four times per year for the Part A—ICWA Data; if applicable, four times per year for Part B—Tribal Child Abuse Neglect Data.

Estimated Time per Response: approximately 20 minutes for Part A—ICWA Data; approximately 20 minutes for Part B—Tribal Child Abuse and Neglect Data.

Estimated Total Annual Hour Burden: 736 hours, on average.

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: August 27, 2014.

Christine Cho,

Acting Deputy Director for Information Resources.

[FR Doc. 2014–21269 Filed 9–5–14; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14X LLORM050000.L63340000.DU0000 HAG 14–0138]

Notice of Intent To Amend the Resource Management Plan for the Medford District Office, Oregon and Prepare an Associated Environmental Assessment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Medford District Office, Medford, Oregon intends to prepare a Resource Management Plan (RMP) amendment with an associated Environmental Assessment (EA) for the Medford RMP, and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public scoping process for the RMP amendment with an associated EA. Comments on issues may be submitted in writing until October 8, 2014. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local news media, newspapers and the BLM Web site at *http://www.blm.gov/or/districts/medford/index.php.* In order to be included in the analysis, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation as appropriate.

ADDRESSES: You may submit comments on issues and planning criteria related to the Medford RMP Amendment/EA by any of the following methods:

- *Web site: http://www.blm.gov/or/districts/medford/index.php*
- *Email: BLM_OR_MD_Mail@blm.gov*
- *Fax:* 541–618–2400
- *Mail:* 3040 Biddle Road, Medford, OR 97504

Documents pertinent to this proposal may be examined at the Medford Interagency Office, 3040 Biddle Road, Medford, OR 97504.

FOR FURTHER INFORMATION CONTACT: Jean Williams, Planning and Environmental Coordinator, telephone: 541–618–2385; address: 3040 Biddle Road, Medford, OR 97504; email: *BLM_OR_MD_Mail@blm.gov.* Contact Ms. Williams to have your name added to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM District Office, Medford, Oregon intends to prepare an RMP amendment with an associated EA for the Medford RMP, announces the beginning of the scoping process, and seeks public input on issues and planning criteria. The planning area is located in Jackson County, Oregon and encompasses approximately 13,556 acres, including 2,327 acres of BLM land, 589 acres of land managed by State and local government agencies, 1,741 acres owned by The Nature Conservancy (TNC), 795 acres of TNC Easement on private lands, and 8,104 acres of other private land. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. Preliminary issues for the plan amendment area have been identified by BLM personnel; Federal, State, and local agencies; and other stakeholders. The issues include: Incorporating acquired parcels and potential future acquisitions into the Table Rocks Area of Critical Environmental Concern (ACEC) to help disperse recreation use and reduce impacts to sensitive resources; identifying long-term management needed to protect and enhance the unique historical, cultural, and natural features for which the Table Rocks ACEC and Outstanding Natural Area (ONA) were designated including state and federally threatened species; potentially removing a 0.9 acre graveled parcel used for overflow parking that does not contain ACEC resources from ACEC and ONA management; identifying opportunities to apply hierarchical mitigation strategies for on-site, regional, and compensatory mitigation strategies; and identifying areas appropriate to apply landscape-level conservation and management actions to achieve regional mitigation objectives.

Preliminary planning criteria include:

1. The BLM will complete the plan amendment in compliance with Federal Land Policy Management Area (FLPMA) (43 U.S.C. 1701 *et seq.*), NEPA, and other applicable laws and regulations.

2. Lands addressed in this amendment will be public lands managed by the BLM. No decisions will apply to lands the BLM does not manage.

3. Where existing resource management planning decisions are still valid, those decisions will remain unchanged and will be incorporated into the Table Rocks RMP amendment.

4. The plan amendment will recognize valid existing rights.

5. The BLM will use a collaborative and multi-jurisdictional approach, when practical, to determine the desired future condition of these public lands.

6. The BLM will strive to make land use plan decisions compatible with existing plans and policies of adjacent local, state, and Federal agencies.

7. The BLM will ensure that land use plan decisions are consistent with other applicable laws and regulations governing the administration of public land.

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 30-day scoping period or within 30 days after the last public meeting, whichever is later.

The BLM will use the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request of, or be requested by, the BLM to participate in the development of the environmental analysis as a cooperating agency.

The minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed. The BLM will evaluate identified issues to be addressed in the plan, and will place them into one of three categories:

1. Issues to be resolved in the plan amendment;

2. Issues to be resolved through policy or administrative action; or

3. Issues beyond the scope of this plan amendment.

The BLM will provide an explanation in the Draft RMP Amendment/EA as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the plan. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The BLM will use an interdisciplinary approach to develop the plan amendment in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: Botany, cultural resources, fisheries, wildlife, geographic information systems, recreation management, and the National Environmental Policy Act.

Authority: 40 CFR 1501.7 and 43 CFR 1610.2.

Dayne Barron,

Medford District Manager.

[FR Doc. 2014–21320 Filed 9–5–14; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD01000 L13400000.PQ 0000]

Meeting of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the California Desert District Advisory Council (DAC) to the Bureau of Land Management (BLM), U.S. Department of the Interior, will participate in a field tour of BLM-administered public lands on Friday, September 26, 2014 from 8:30 a.m. to 4:30 p.m. and will meet in formal session on Saturday, September 27, 2014 from 8:00 a.m. to 4:30 p.m. in Pahrump, NV at the Saddle West Hotel, 1220 S. HWY 160, Pahrump, NV 89048. Agenda for the Saturday meeting will include updates by council members, the BLM California Desert District Manager, five Field Managers, and council subgroups. Final agenda items for the field trip and public meeting will be posted on the DAC Web page at *http://www.blm.gov/ca/st/en/info/rac/dac.html* when finalized.

SUPPLEMENTARY INFORMATION: All DAC meetings are open to the public. Public comment for items not on the agenda will be scheduled at the beginning of the meeting Saturday morning. Time for public comment may be made available by the council chairman during the presentation of various agenda items, and is scheduled at the end of the meeting for topics not on the agenda.

While the Saturday meeting is tentatively scheduled from 8:00 a.m. to 4:30 p.m., the meeting could conclude prior to 4:30 p.m. should the council conclude its presentations and discussions. Therefore, members of the public interested in a particular agenda item or discussion should schedule their arrival accordingly.

Written comments may be filed in advance of the meeting for the California Desert District Advisory Council, c/o Bureau of Land Management, External Affairs, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553. Written comments also are accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

FOR FURTHER INFORMATION CONTACT: Stephen Razo, BLM California Desert District External Affairs, (951) 697–5217.

Dated: August 18, 2014.

Teresa A. Raml,

California Desert District Manager.

[FR Doc. 2014–21309 Filed 9–5–14; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY910000 L16100000 XX0000]

Notice of Public Meeting; Wyoming Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Wyoming Resource Advisory Council (RAC) will meet as indicated below.

DATES: The meeting is scheduled for Wednesday, Sept. 24, 2014 (1 to 5:30 p.m.), Thursday, Sept. 25, 2014 (8 a.m. to 5:30 p.m.), and Friday, Sept. 26, 2014 (8 a.m. to noon).

ADDRESSES: The meeting will be held at the National Historic Trails Interpretive Center (NHTIC), 1501 N. Poplar Street, Casper, Wyoming. The Sept. 25 meeting will begin with a site visit that will leave from the Quality Inn and Suites, 821 North Poplar Street.

FOR FURTHER INFORMATON CONTACT: Christian Venhuizen, Wyoming Resource Advisory Council Coordinator, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82009; telephone 307–775–6103; email *cvenhuizen@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This 10-member RAC advises the Secretary of the Interior on a variety of management issues associated with public land management in Wyoming. Planned agenda topics include discussions on regional mitigation, defining pre-decisional information and cooperating agency responsibilities; implementation of the Lander Resource Management Plan Record of Decision and follow-up to previous RAC meetings. On Wednesday, Sept. 24, the meeting will begin at 1 p.m., at the NHTIC conference room. On Thursday, Sept. 25, there will be site visits of Land and Water Conservation Fund projects and acquisitions, historic trails, and the Pathfinder Ranch (Sweetwater River Conservancy Habitat Conservation Bank). The public is invited to attend, but must provide their own transportation. The site visit will leave from the Quality Inn and Suites Hotel at 8 a.m. The meeting will resume at the NHTIC conference room at noon with a working lunch. Food will not be provided for the public. On Friday, Sept. 26, the meeting will begin at 8 a.m. at the NHTIC conference room. All RAC meetings are open to the public with time allocated for hearing public comments. On Friday, Sept. 26, there will be a public comment period beginning at 8 a.m. The public may also submit written comments to the RAC by emailing *cvenhuizen@blm.gov* or by submitting them at the meeting location to the RAC coordinator. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. If there are no members of the public interested in speaking, the meeting will move promptly to the next agenda item.

Dated: August 25, 2014.

Nancy Beres,

Associate State Director (acting).

[FR Doc. 2014–21182 Filed 9–5–14; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–16534; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before August 16, 2014. Pursuant to § 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th Floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by September 23, 2014. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 25, 2014.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

ARKANSAS

Baxter County

Hutcheson, Sid, House, 13912 AR 5, S., Norfork, 14000789

Jefferson County

Carnahan House, 1200 S. Laurel St., Pine Bluff, 14000790

Redfield School Historic District, (New Deal Recovery Efforts in Arkansas MPS) 101 School St., Redfield, 14000791

Johnson County

U.S. 64 Horsehead Creek Bridge, (Historic Bridges of Arkansas MPS) US 64 over Horsehead Cr., Hartman, 14000792

Pulaski County

Duffy House, (Pre-Depression Houses and Outbuildings of Edgemont in Park Hill MPS) 124 E. A St., North Little Rock, 14000793

Heagler House, 904 Skyline Dr., North Little Rock, 14000794

Saline County

Buffington, Dr. T.E., House, 312 W. South St., Benton, 14000795

Sebastian County

Adams, Harold, Office Building, 2101 S. H St., Fort Smith, 14000796

CALIFORNIA

Los Angeles County

White, Michael, Adobe, 2701 Huntington Dr., San Marino, 14000797

DISTRICT OF COLUMBIA

District of Columbia

District of Columbia Pound, 820 S. Capitol St. SW. & 9 I St. SW., Washington, 14000798

Standard Material Company—Gyro Motor Company, 770–774 Girard St. NW., Washington, 14000799

INDIANA

Allen County

North Anthony Boulevard Historic District, (Park and Boulevard System of Fort Wayne, Indiana MPS) Roughly N. Anthony Blvd. between Vance & Lake Aves., Fort Wayne, 14000800

Franklin County

Cedar Grove Bridge, Old IN 1 over Whitewater R., Cedar Grove, 14000801

Hancock County

Black, Rufus and Amanda, House, 222 S. 200 West, Philadelphia, 14000802

Hendricks County

Parsons, A.A., Farmstead, 1739 Cty. Rd. 625 E., Avon, 14000803

Jasper County

Parker, Oren F. and Adelia, House, 102 S. Park Ave., Rensselaer, 14000804

La Porte County

Haskell and Barker Historic District, Washington & Wabash between 4th & Homer Sts., Michigan City, 14000806

Indiana and Michigan Avenues Historic District, Roughly Indiana & Michigan between Maple & Kingsbury Aves., La Porte, 14000807

Lake County

Combs Addition Historic District, 400 & 500 blks. of Rutledge, Ellsworth & 500 blk. of Marshall Sts. between 4th & 6th Aves., Gary, 14000805

Newton County

Seller's Standard Station and Pullman Diner, 101 & 103 N. Polk St., Morocco, 14000808

Wabash County

LaFontaine Historic District, Roughly Kendall & Branson between Walnut & Gruell Sts., LaFontaine, 14000809

NEW JERSEY

Essex County

Maplewood Municipal Building, 574 Valley St., Maplewood, 14000810

OHIO

Summit County

Akron Soap Company, 237–243 Furnace St., Akron, 14000811

OREGON

Washington County

Aloha Farmhouse, 1080 SW. 197th Ave., Beaverton, 14000812

PENNSYLVANIA

Allegheny County

First Methodist Episcopal Church of McKeesport, 1406 Cornell St., McKeesport, 14000814

Mt. Lebanon Historic District, Roughly bounded by Gilkeson, Washington, Scott & Pine Tree Rds., Mt. Lebanon, Castle Shannon & Cedar Blvds., Mt. Lebanon, 14000813

Mifflin County

1922 Model T Ford, 152 William Penn Hwy. W., Wayne Township, 14000815

Susquehanna County

Dennis Farm, Address Restricted, Brooklyn Township, 14000816

Westmoreland County

Concord School, Loyalhanna Dam Rd., Loyalhanna Township, 14000817

SOUTH CAROLINA

Dillon County

Dillon Graded School and Dillon Public School, 405 W. Washington St., Dillon, 14000818

Spartanburg County

Arcadia Mill No. 1, 1875 Hayne St., Spartanburg, 14000819

TEXAS

Somervell County

Glen Rose Downtown Historic District, Around courthouse square bounded by Vernon, Walnut, Bernard, Elm & 100 blk., 201, 205 SW. Bernard Sts., Glen Rose, 14000820

Travis County

Hancock Golf Course, 811 E. 41st St., Austin, 14000821

WYOMING

Sweetwater County

Tolar Petroglyph Site, Address Restricted, Point of Rocks, 14000822

[FR Doc. 2014–21233 Filed 9–5–14; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Number 1010–0082; MMAA104000]

Information Collection: Leasing of Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf; Submitted for OMB Review; Comment Request

ACTION: 30-day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Ocean Energy Management (BOEM) is notifying the public that we have submitted an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval. The ICR concerns the paperwork requirements in the regulations under 30 CFR part 581, Leasing of Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf. This notice provides the public a second opportunity to comment on the paperwork burden of this collection.

DATES: Submit written comments by October 8, 2014.

ADDRESSES: Submit comments on this ICR to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_submission@omb.eop.gov* (email). Please provide a copy of your comments to the BOEM Information Collection Clearance Officer, Arlene Bajusz, Bureau of Ocean Energy Management, 381 Elden Street, HM–3127, Herndon, Virginia 20170 (mail) or *arlene.bajusz@boem.gov* (email). Please reference ICR 1010–0082 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Arlene Bajusz, Office of Policy, Regulations, and Analysis at *arlene.bajusz@boem.gov* (email) or (703) 787–1025 (phone). You may review the ICR online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 1010–0082.

Title: 30 CFR part 581, Leasing of Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf.

Abstract: The Outer Continental Shelf (OCS) Lands Act (Act), as amended (43 U.S.C. 1337), authorizes the Secretary of the Interior (Secretary) to grant to the qualified persons, offering the highest cash bonuses on a basis of competitive bidding, leases of any mineral other than oil, gas, and sulphur. This applies to any area of the OCS not then under lease for such mineral upon royalty, rental, and other terms and conditions that the Secretary may prescribe at the time of the lease offer. The Secretary is to administer the leasing provisions of the Act and prescribe the rules and regulations necessary to carry out those provisions.

Regulations at 30 CFR part 581 implement these statutory requirements. There has been no leasing activity in the OCS for minerals other than oil, gas, or sulphur for many years; however, because these are regulatory requirements, the potential exists for information to be collected. Therefore, we are renewing OMB approval for this information collection.

BOEM will use the information required by 30 CFR part 581 to determine if statutory requirements are met prior to the issuance of a lease. Specifically, BOEM will use the information to:

- Evaluate the area and minerals requested by the lessee to assess the viability of offering leases for sale and ensure the Federal Government receives fair market value for the mineral(s);
- Request the State(s) to initiate the establishment of a joint group to assess the proposed action;
- Ensure excessive overriding royalty interests are not created that would put economic constraints on all parties involved;
- Document that a leasehold or geographical subdivision has been surrendered by the record title holder; and
- Determine if activities on the proposed lease area(s) will have a significant impact on the environment.

We protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), and 30 CFR Parts 580 and 582. No items of a sensitive nature are collected. Responses are mandatory or required to obtain a benefit.

Frequency: On occasion.

Description of Respondents: As there are no active respondents, we estimate the potential annual number of respondents to be one. Potential respondents are OCS lease requestors, State governments, and OCS lessees.

Estimated Reporting and Recordkeeping Hour Burden: We expect the annual reporting burden for this renewal to be 1,264 hours. The following table details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BURDEN BREAKDOWN

Citation 30 CFR Part 581	Reporting and/or recordkeeping requirements *	Non-hour cost burden(s) *		Annual burden hours
		Hour burden	Average number of annual reponses	
Subpart A—General				
6	Appeal decisions	Exempt under 5 CFR 1320.4(a)(2), (c).		0
9	Governor of affected States initiates negotiations on jurisdictional controversy, etc., and enters agreement with BOEM.	16	1 request	16
Subtotal			1 Response	16
Subpart B—Leasing Procedures				
11(a), (c)	Submit request for approval for mineral lease with required information.	60	1 request	60

BURDEN BREAKDOWN—Continued

Citation 30 CFR Part 581	Reporting and/or recordkeeping requirements *	Non-hour cost burden(s) *		
		Hour burden	Average number of annual reponses	Annual burden hours
12; all sections; Previously overlooked.	Submit general response to Call for Information and Interest on areas for leasing of minerals (other than oil, gas, sulphur) in accordance with approved lease program, including information from States/local governments, industry, Federal agencies.	Not considered IC as defined in 5 CFR 1320.3(h)(4).		0
12; all sections	Submit specific response to Call for Information and Interest on areas for leasing of minerals (other than oil, gas, sulphur) in accordance with approved lease program, including information from States/local governments, industry, Federal agencies.	120	1 response	120
13; 16	States or local governments establish task force; submit comments/recommendations on planning, coordination, consultation, and other issues that may contribute to the leasing process.	200	1 comment	200
All sections; 16	Submit suggestions and relevant information in response to request for comments on the proposed leasing notice, including information from States/local governments.	160	1 submittal	160
18; 20(e), (f); 26(a), (b)	Submit bids (oral or sealed) and required information	250	1 response	250
18(b)(3), (c); 20(e), (f)	Tie bids—submit oral bids for highest bidder	20	1 response	20
20(a), (b), (c); 41(a)	Establish a company file for qualification, submit updated information, submit qualifications for lessee/bidder and required information.	58	1 response	58
21(a); 47(c)	Request for reconsideration of bid rejection/cancellation	Not considered IC per 5 CFR 1320.3(h)(9).		0
21(b), (e); 23; 26(e), (i); 40(b); 41.	Execute lease (includes submission of evidence of authorized agent and request for dating of leases); maintain auditable records re 30 CFR Chapter XII, Subchapter A—[burden under ONRR requirements].	100	1 lease	100
Subtotal			8 Responses	968
Subpart C—Financial Considerations				
31(b); 41	File application and required information for assignment or transfer for approval.	160	1 application	160
		$50 for required or non-required filing document fee × 1 = $50.		
32(b), (c)	File application for waiver, suspension, or reduction and required documentation.	80	1 application	80
33; 41(c)	Submit surety or personal bond	Burden covered under 1010–0081.		0
Subtotal			2 Responses	240
			$50 Non-hour cost burden.	
Subpart E—Termination of Leases				
46	File written request for relinquishment	40	1 Response	40
TOTAL BURDEN			12 Responses	1,264
			$50 Non-hour cost burden.	

* In the future, BOEM may require electronic filing of certain submissions.

Estimated Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified one non-hour cost burden for this collection, a $50 filing fee for required or non-required documents under 30 CFR 581.41.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: We invite comments concerning this information collection on:

• Whether or not the collection of information is necessary, including whether or not the information will have practical utility;

• The accuracy of our burden estimates;

• Ways to enhance the quality, utility, and clarity of the information to be collected; and

• Ways to minimize the burden on respondents.

To comply with the public consultation process, on April 17, 2014, BOEM published a **Federal Register** notice (79 FR 21806) announcing that we would submit this ICR to OMB for approval. This notice provided the required 60-day comment period. We received no comments.

Public Availability of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 14, 2014.

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulations, and Analysis.

[FR Doc. 2014–21296 Filed 9–5–14; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–884]

Certain Consumer Electronics With Display and Processing Capabilities; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a Final Initial Determination and Recommended Determination on Remedy and Bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, specifically a limited exclusion order against certain consumer electronics with display and processing capabilities imported by respondents Toshiba Corporation of Tokyo, Japan and Toshiba America Information Systems, Inc. of Irvine, California and a cease and desist order against Toshiba. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2301. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on August 29, 2014. Comments should address whether issuance of a limited exclusion order and cease and desist order in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the limited exclusion order and cease and desist orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on September 30, 2014.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–881'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.

Issued: September 3, 2014,

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–21275 Filed 9–5–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0076]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Relief of Disabilities and Application for Restoration of Explosives Privileges

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 126, page 37352 on July 1, 2014, allowing for a 60 day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until October 8, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact William Joa, Bureau of Alcohol, Tobacco, Firearms and Explosives, Redstone Arsenal, Bldg. 3750, Huntsville, AL 35898. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington , DC 20503 or send email to *OIRA_submission@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection 1140–0076:

(1) *Type of Information Collection:* Revision of an existing collection.

(2) *Title of the Form/Collection:* Relief of Disabilities and Application for Restoration of Explosives Privileges.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 5400.29.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Individual or households.

Abstract: Any person prohibited from shipping or transporting any explosive in or affecting interstate or foreign commerce or from receiving or possessing any explosive which has been shipped or transported in or affecting interstate or foreign commerce may make application for relief from disabilities. ATF F 5400.29 is required in order to determine whether or not explosives privileges may be restored. The form is used to conduct an investigation to establish if it is likely that the applicant will act in a manner dangerous to public safety or contrary to public interest.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 231 respondents will take 30 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:*

The estimated annual public burden associated with this collection is 116 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: September 3, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–21276 Filed 9–5–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1123–0011]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Department of Justice Equitable Sharing Agreement and Certification

AGENCY: Forfeiture and Money Laundering Section, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Criminal Division, Asset Forfeiture and Money Laundering Section, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 128, page 38070 on July 3, 2014, allowing for a 60 day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until October 8, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jennifer Bickford, Acting Assistant Deputy Chief, Asset Forfeiture and Money Laundering Section, 1400 New York Avenue NW., Washington, DC 20005 (phone: 202–514–1263). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Officer of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington DC 20503 or sent to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection 1123–0011:

1 *Type of Information Collection:* Extension with changes, of the Department of Justice Equitable Sharing Agreement and Certification, a previously approved collection for which approval will expire on September 30, 2014.

2 *The Title of the Form/Collection:* Department of Justice Equitable Sharing Agreement and Certification.

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is not an agency form number. The applicable component within the Department of Justice is the Asset Forfeiture and Money Laundering Section, in the Criminal Division.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:*

The Attorney General is required by statute to ''assure that any property transferred to a State or local law enforcement agency . . . will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies.'' 21 U.S.C. 881(e)(3). The Asset Forfeiture and Money Laundering Section (AFMLS) ensures such cooperation by requiring that all such ''equitably shared'' funds be used only for law enforcement purposes and not be distributed to other governmental agencies by the recipient law enforcement agencies. By requiring that law enforcement agencies that participate in the Equitable Sharing Program (Program) file an Equitable Sharing Agreement and Certification (ESAC), AFMLS can readily ensure compliance with its statutory obligations.

The ESAC requires information regarding the receipt and expenditure of Program funds from the participating agency. Accordingly, it seeks information that is exclusively in the hands of the participating agency.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 7,600 state and local law enforcement agencies electronically file the ESAC annually with AFMLS. It is estimated that it takes 30 minutes per year to enter the information. All of the approximately 7,600 agencies must fully complete the form each year to maintain compliance and continue participation in the Department of Justice Equitable Sharing Program.

6 *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 3,800 hours. It is estimated that respondents will take 30 minutes to complete the form. (7,600 participants × 30 minutes = 3,800 hours).

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: September 3, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–21281 Filed 9–5–14; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Cooperative Research Group on Separation Technology Research Program

Notice is hereby given that, on August 8, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Separation Technology Research Program (''STAR'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: Aker Process Systems, Fornebu, Norway; Amistco Separation Products, Inc, dba AMACS Process Tower Internals, Houston, TX; Chevron Energy Technology Co., a Division of Chevron USA, Inc., Houston, TX; ExxonMobil Upstream Research Co., Houston, TX; FMC Separation Systems B.V., Arnhem, The Netherlands; Frames Separation Technologies B.V., Utrecht, The Netherlands; KGGP, LLC, Wichita, KS; Linde Engineering North America Inc., Blue Bell, PA; PetroSkills, LLC, Katy, TX; Rhodius GmbH, Bayern, Germany; Shell International Exploration and Production Inc., Houston, TX; Total E&P Recherche Et Developpement, Paris, France; Wartsila Oil & Gas Systems AS, Asker, Norway; Sulzer Chemtech Ltd., Winterthur, Switzerland; and OneSubsea LLC, Houston, TX. The general area of STAR's planned activity is to increase fundamental knowledge of separation technology for use in the oil and gas industry. This will be accomplished by conducting research related to separation technology as well as through conducting systematic testing on and enabling qualification of separation equipment. STAR will also develop standardized procedures for testing equipment and conduct fundamental research on separation technology for use by the separation equipment manufacturers, separation system designers, and end users.

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–21286 Filed 9–5–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–393]

Established Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2015

AGENCY: Drug Enforcement Administration (DEA), Department of Justice (DOJ).

ACTION: Notice.

SUMMARY: This notice establishes the initial 2015 aggregate production quotas for controlled substances in schedules I and II of the Controlled Substances Act (CSA) and the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine.

DATES: *Effective date:* Effective September 8, 2014.

FOR FURTHER INFORMATION CONTACT: Imelda Paredes, Executive Assistant, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152, Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Legal Authority

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. Titles II and III are referred to as the ''Controlled Substances Act'' and the ''Controlled Substances Import and Export Act,'' respectively, and are collectively referred to as the ''Controlled Substances Act'' or the ''CSA'' for the purpose of this action. 21 U.S.C. 801–971. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), parts 1300 to 1321. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and dependence and are controlled to protect the public health and safety.

Section 306 of the Controlled Substances Act (CSA) (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for each basic class of controlled substance listed in schedules I and II and for ephedrine, pseudoephedrine, and phenylpropanolamine. This responsibility has been delegated to the Administrator of the DEA through 28 CFR 0.100(b). The Administrator, in turn, has redelegated this function to the Deputy Administrator, pursuant to 28 CFR pt. 0 subpt. R, App.

Background

The 2015 aggregate production quotas and assessment of annual needs represent those quantities of schedule I and II controlled substances and the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine to be manufactured in the United States in 2015 to provide for the estimated medical, scientific, research, and industrial needs of the United States, lawful export requirements, and the establishment and maintenance of reserve stocks. These quotas include imports of ephedrine, pseudoephedrine, and phenylpropanolamine but do not include imports of controlled substances for use in industrial processes.

On July 2, 2014, a notice titled, ''Proposed Aggregate Production Quotas for Schedule I and II Controlled Substances and Proposed Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2015'' was published in the **Federal Register**. 79 FR 37772. This notice proposed the 2015 aggregate production quotas for each basic class of controlled substance listed in schedules I and II and the 2015 assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. All interested persons were invited to comment on or object to the proposed aggregate production quotas and the proposed assessment of annual needs on or before August 1, 2014.

Comments Received

Five comments were received from DEA-registered manufacturers within the published comment period, offering comments on a total of 32 schedule I and II controlled substances. None of the respondents commented on the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. Commenters stated that the proposed aggregate production quotas for 1-(1,3-Benzodioxol-5-yl)-2-(methylamino) butan-1-one (butylone), 1-(1,3-Benzodioxol-5-yl)-2-(methylamino) pentan-1-one (pentylone), 2-(4-Bromo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25B-NBOMe), 2-(4-Chloro-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25C-NBOMe), 2-(4-Iodo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25I-NBOMe), 2-(Methylamino)-1-phenylpentan-1-one (pentedrone), 3-Fluoro-*N*-methylcathinone (3-FMC), 4-Fluoro-*N*-methylcathinone (4-FMC), 4-Anilino-*N*-phenethyl-4-piperidine (ANPP), 4-Methyl-*N*-ethylcathinone (4-MEC), 4-Methyl-α-pyrrolidinopropiophenone (4-MePPP), *alpha*-Pyrrolidinobutiophenone (α-PBP), *alpha*-Pyrrolidinopentiophenone (α-PVP), amphetamine (for sale), codeine (for sale), dihydrocodeine, diphenoxylate, fentanyl, hydrocodone (for sale), hydromorphone, levorphanol, marihuana, morphine (for conversion), *N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide (ADB-PINACA), *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (AB-FUBINACA), naphthylpyrovalerone (naphyrone), oripavine, oxycodone (for conversion), oxymorphone (for conversion), oxymorphone (for sale), Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (5-Flouro-PB-22), and Quinolin-8-yl 1-pentyl-1*H*-indole-3-carboxylate (PB-22) were insufficient to provide for the estimated medical, scientific, research, and industrial needs of the United States, export requirements, and the establishment and maintenance of reserve stocks.

Determination of 2015 Aggregate Production Quotas and Assessment of Annual Needs

In determining the 2015 aggregate production quotas and assessment of annual needs, the DEA has taken into consideration the above comments along with the factors set forth at 21 CFR 1303.11 and 21 CFR 1315.11, in accordance with 21 U.S.C. 826 (a), and other relevant factors, including the consideration of 2014 manufacturing quotas, current 2014 sales and inventories, 2015 export requirements, industrial use, additional applications for quotas, as well as information on research and product development requirements. Based on this information, the DEA has determined that adjustments to the proposed aggregate production quotas and assessment of annual needs for alfentanil, cocaine, codeine-N-oxide, codeine (for sale), dihydrocodeine, fentanyl, hydromorphone, levorphanol, marihuana, oripavine, oxymorphone (for conversion), and ephedrine (for sale) are warranted. This notice reflects those adjustments.

Regarding 1-(1,3-Benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone), 1-(1,3-Benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone), 2-(4-Bromo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25B-NBOMe), 2-(4-Chloro-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25C-NBOMe), 2-(4-Iodo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25I-NBOMe), 2-(Methylamino)-1-phenylpentan-1-one (pentedrone), 3-Fluoro-*N*-methylcathinone (3-FMC), 4-Fluoro-*N*-methylcathinone (4-FMC), 4-Anilino-*N*-phenethyl-4-piperidine (ANPP), 4-Methyl-*N*-ethylcathinone (4-MEC), 4-Methyl-α-pyrrolidinopropiophenone (4-MePPP), *alpha*-Pyrrolidinobutiophenone (α-PBP), *alpha*-Pyrrolidinopentiophenone (α-PVP), amphetamine (for sale), dihydrocodeine, fentanyl, hydromorphone, levorphanol, marihuana, *N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide (ADB-PINACA), *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (AB-FUBINACA), naphthylpyrovalerone (naphyrone), oxycodone (for conversion), oxymorphone (for sale), Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (5-Flouro-PB-22), and Quinolin-8-yl 1-pentyl-1*H*-indole-3-carboxylate (PB-22), the DEA has determined that the proposed aggregate production quotas are sufficient to provide for the 2015 estimated medical, scientific, research, and industrial needs of the United States, export requirements, and the establishment and maintenance of reserve stocks. This notice finalizes these aggregate production quotas at the same amounts as proposed.

As described in the previously published notice proposing the 2015 aggregate production quotas and assessment of annual needs, the DEA has specifically considered that inventory allowances granted to individual manufacturers may not always result in the availability of sufficient quantities to maintain an adequate reserve stock pursuant to 21 U.S.C. 826(a), as intended. *See* 21 CFR 1303.24. This would be concerning if a natural disaster or other unforeseen event resulted in substantial disruption to the amount of controlled substances available to provide for legitimate public need. As such, the DEA has included in all established schedule II aggregate production quotas, and certain schedule I aggregate production quotas, an additional 25% of the estimated medical, scientific, and research needs as part of the amount necessary to ensure the establishment and maintenance of reserve stocks. The resulting established aggregate production quota will reflect these included amounts. This action will not affect the ability of manufacturers to maintain inventory allowances as specified by regulation. The DEA expects that maintaining this reserve in certain established aggregate production quotas will mitigate adverse public effects if an unforeseen event results in the substantial disruption to the amount of controlled substances available to provide for legitimate public need, as determined by the DEA. The DEA does not anticipate utilizing the reserve in the absence of these circumstances.

In accordance with 21 U.S.C. 826, 21 CFR 1303.11, and 21 CFR 1315.11, the Deputy Administrator hereby establishes the 2015 aggregate production quotas for the following schedule I and II controlled substances and the 2015 assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, expressed in grams of anhydrous acid or base, as follows:

Basic class	Established 2015 quotas (g)
Schedule I	
(1-Pentyl-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144)	15
[1-(5-Fluoro-pentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (XLR11)	15
1-(1,3-Benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone)	15
1-(1,3-Benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone)	15
1-(1-Phenylcyclohexyl)pyrrolidine	10
1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (AM2201)	45
1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole (AM694)	45
1-[1-(2-Thienyl)cyclohexyl]piperidine	15
1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200)	45
1-Butyl-3-(1-naphthoyl)indole (JWH-073)	45
1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8)	45
1-Hexyl-3-(1-naphthoyl)indole (JWH-019)	45
1-Methyl-4-phenyl-4-propionoxypiperidine	2
1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678)	45
1-Pentyl-3-(2-chlorophenylacetyl)indole (JWH-203)	45
1-Pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250)	45
1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398)	45
1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122)	45
1-Pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19, RCS-4)	45
1-Pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081)	45
2-(2,5-Dimethoxy-4-*n*-propylphenyl)ethanamine (2C-P)	30
2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)	30
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)	30
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)	30
2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)	30
2-(4-Bromo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)	15
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)	30
2-(4-Chloro-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82)	15
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)	30

Basic class	Established 2015 quotas (g)
2-(4-Iodo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5)	15
2-(Methylamino)-1-phenylpentan-1-one (pentedrone)	15
2,5-Dimethoxy-4-ethylamphetamine (DOET)	25
2,5-Dimethoxy-4-*n*-propylthiophenethylamine	25
2,5-Dimethoxyamphetamine	25
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)	30
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)	30
3,4,5-Trimethoxyamphetamine	25
3,4-Methylenedioxyamphetamine (MDA)	55
3,4-Methylenedioxymethamphetamine (MDMA)	50
3,4-Methylenedioxy-*N*-ethylamphetamine (MDEA)	40
3,4-Methylenedioxy-*N*-methylcathinone (methylone)	50
3,4-Methylenedioxypyrovalerone (MDPV)	35
3-Fluoro-*N*-methylcathinone (3-FMC)	15
3-Methylfentanyl	2
3-Methylthiofentanyl	2
4-Bromo-2,5-dimethoxyamphetamine (DOB)	25
4-Bromo-2,5-dimethoxyphenethylamine (2-CB)	25
4-Fluoro-*N*-methylcathinone (4-FMC)	15
4-Methoxyamphetamine	100
4-Methyl-2,5-dimethoxyamphetamine (DOM)	25
4-Methylaminorex	25
4-Methyl-*N*-ethylcathinone (4-MEC)	15
4-Methyl-*N*-methylcathinone (mephedrone)	45
4-Methyl-α-pyrrolidinopropiophenone (4-MePPP)	15
5-(1,1-Dimethylheptyl)-2-[(1*R*,3*S*)-3-hydroxycyclohexyl]-phenol	68
5-(1,1-Dimethyloctyl)-2-[(1*R*,3*S*)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog)	53
5-Methoxy-3,4-methylenedioxyamphetamine	25
5-Methoxy-*N,N*-diisopropyltryptamine	25
5-Methoxy-*N,N*-dimethyltryptamine	25
Acetyl-*alpha*-methylfentanyl	2
Acetyldihydrocodeine	2
Acetylmethadol	2
Allylprodine	2
Alphacetylmethadol	2
alpha-Ethyltryptamine	25
Alphameprodine	2
Alphamethadol	2
alpha-Methylfentanyl	2
alpha-Methylthiofentanyl	2
alpha-Methyltryptamine (AMT)	25
alpha-Pyrrolidinobutiophenone (α-PBP)	15
alpha-Pyrrolidinopentiophenone (α-PVP)	15
Aminorex	25
Benzylmorphine	2
Betacetylmethadol	2
beta-Hydroxy-3-methylfentanyl	2
beta-Hydroxyfentanyl	2
Betameprodine	2
Betamethadol	4
Betaprodine	2
Bufotenine	3
Cathinone	70
Codeine methylbromide	5
Codeine-*N*-oxide	305
Desomorphine	5
Diethyltryptamine	25
Difenoxin	50
Dihydromorphine	3,990,000
Dimethyltryptamine	35
Dipipanone	5
Fenethylline	5
gamma-Hydroxybutyric acid	70,250,000
Heroin	25
Hydromorphinol	2
Hydroxypethidine	2
Ibogaine	5
Lysergic acid diethylamide (LSD)	35
Marihuana	125,000
Mescaline	25
Methaqualone	10
Methcathinone	25
Methyldesorphine	5

Basic class	Established 2015 quotas (g)
Methyldihydromorphine	2
Morphine methylbromide	5
Morphine methylsulfonate	5
Morphine-*N*-oxide	350
N-(1-Adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide (AKB48)	15
N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide (ADB-PINACA)	15
N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (AB-FUBINACA)	15
N,N-Dimethylamphetamine	25
Naphthylpyrovalerone (naphyrone)	15
N-Benzylpiperazine	25
N-Ethyl-1-phenylcyclohexylamine	5
N-Ethylamphetamine	24
N-Hydroxy-3,4-methylenedioxyamphetamine	24
Noracymethadol	2
Norlevorphanol	52
Normethadone	2
Normorphine	18
Phenomorphan	2
Psilocybin	30
Psilocyn	30
Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (5-fluoro-PB-22; 5F-PB-22)	15
Quinolin-8-yl 1-pentyl-1*H*-indole-3-carboxylate (PB-22; QUPIC)	15
Tetrahydrocannabinols	497,500
Thiofentanyl	2
Tilidine	10
Trimeperidine	2
Schedule II	
1-Phenylcyclohexylamine	5
1-Piperidinocyclohexanecarbonitrile	5
4-Anilino-*N*-phenethyl-4-piperidine (ANPP)	2,687,500
Alfentanil	17,750
Alphaprodine	3
Amobarbital	25,125
Amphetamine (for conversion)	21,875,000
Amphetamine (for sale)	37,500,000
Carfentanil	19
Cocaine	275,000
Codeine (for conversion)	50,000,000
Codeine (for sale)	49,500,000
Dextropropoxyphene	19
Dihydrocodeine	226,375
Diphenoxylate	1,337,500
Ecgonine	174,375
Ethylmorphine	3
Fentanyl	2,150,000
Glutethimide	3
Hydrocodone (for conversion)	137,500
Hydrocodone (for sale)	99,625,000
Hydromorphone	7,000,000
Isomethadone	5
Levo-alphacetylmethadol (LAAM)	4
Levomethorphan	5
Levorphanol	7,125
Lisdexamfetamine	29,750,000
Meperidine	6,250,000
Meperidine Intermediate-A	6
Meperidine Intermediate-B	11
Meperidine Intermediate-C	6
Metazocine	19
Methadone (for sale)	31,875,000
Methadone Intermediate	34,375,000
Methamphetamine	2,061,375
[1,250,000 grams of *levo*-desoxyephedrine for use in a non-controlled, non-prescription product; 750,000 grams for methamphetamine mostly for conversion to a schedule III product; and 61,375 grams for methamphetamine (for sale)]	
Methylphenidate	83,750,000
Morphine (for conversion)	91,250,000
Morphine (for sale)	62,500,000
Nabilone	18,750
Noroxymorphone (for conversion)	17,500,000

Basic class	Established 2015 quotas (g)
Noroxymorphone (for sale)	1,475,000
Opium (powder)	112,500
Opium (tincture)	687,500
Oripavine	35,000,000
Oxycodone (for conversion)	8,350,000
Oxycodone (for sale)	137,500,000
Oxymorphone (for conversion)	29,000,000
Oxymorphone (for sale)	7,750,000
Pentobarbital	35,000,000
Phenazocine	6
Phencyclidine	19
Phenmetrazine	3
Phenylacetone	9,375,000
Racemethorphan	3
Remifentanil	3,750
Secobarbital	215,003
Sufentanil	6,255
Tapentadol	12,500,000
Thebaine	125,000,000
List I Chemicals	
Ephedrine (for conversion)	1,000,000
Ephedrine (for sale)	4,000,000
Phenylpropanolamine (for conversion)	44,800,000
Phenylpropanolamine (for sale)	8,500,000
Pseudoephedrine (for conversion)	7,000
Pseudoephedrine (for sale)	224,500,000

The Deputy Administrator also establishes aggregate production quotas for all other schedule I and II controlled substances included in 21 CFR 1308.11 and 1308.12 at zero. In accordance with 21 CFR 1303.13 and 21 CFR 1315.13, upon consideration of the relevant factors, the Deputy Administrator may adjust the 2015 aggregate production quotas and assessment of annual needs as needed.

Dated: September 2, 2014.

Thomas M. Harrigan,

Deputy Administrator.

[FR Doc. 2014–21280 Filed 9–5–14; 8:45 am]

BILLING CODE 4410–09–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

National Nanotechnology Coordination Office

Nanoscale Science, Engineering, and Technology Subcommittee; Committee on Technology, National Science and Technology Council; Meeting

ACTION: Notice of public meeting.

SUMMARY: The National Nanotechnology Coordination Office (NNCO), on behalf of the Nanoscale Science, Engineering, and Technology (NSET) Subcommittee of the Committee on Technology, National Science and Technology Council (NSTC), will hold a technical interchange meeting entitled ''Realizing the Promise of Carbon Nanotubes—Challenges, Opportunities and the Pathway to Commercialization'' on September 15, 2014. The meeting will be sponsored by the National Nanotechnology Initiative (NNI) and co-sponsored by the National Aeronautics and Space Administration (NASA). The objectives of this meeting are to identify, discuss, and report the technical barriers preventing the production of carbon nanotube-based materials with electrical and mechanical properties approaching theoretical values, and to explore ways to overcome these barriers. Obstacles preventing the full exploitation of the multifunctional nature of carbon nanotube materials will also be discussed. This one-day meeting will assemble some of the Nation's leading experts in carbon nanotube research and development, as well as executives and experts from the Federal government, academia, and private sector.

DATES: The technical interchange meeting will be held Monday, September 15, 2014 from 8:00 a.m. until 5:15 p.m.

ADDRESSES: The technical interchange meeting will be held at the National Aeronautics and Space Administration (NASA) Headquarters, 300 E Street Southwest, Washington, DC 20546.

FOR FURTHER INFORMATION, CONTACT: Dr. Tarek Fadel, 703–292–7926, *tfadel@nnco.nano.gov,* NNCO. Additional information is posted at: *http://nano.gov/2014CNTTechInterchange.*

Registration: Registration opens on September 8, 2014. Due to space limitations, pre-registration for the technical interchange meeting is required. Written notices of participation by email should be sent to *dpetreski@nnco.nano.gov* or mailed to Diana Petreski, 4201 Wilson Blvd., Stafford II, Suite 405, Arlington, VA 22230. Please provide your full name, title, affiliation and email or mailing address when registering. Registration is on a first-come, first-served basis until capacity is reached. Written or electronic comments should be submitted by email to *dpetreski@nnco.nano.gov* until close of business September 10, 2014.

Meeting Accommodations: Individuals requiring special accommodation to access this meeting should contact Diana Petreski at 703–292–7922 at least five business days prior to the meeting so that appropriate arrangements can be made.

Ted Wackler,

Deputy Chief of Staff and Assistant Director.

[FR Doc. 2014–21201 Filed 9–5–14; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meeting Notice

DATE: Weeks of September 8, 15, 22, 29, October 6, 13, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of September 8, 2014

Tuesday, September 9, 2014

9:30 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

Wednesday, September 10, 2014

9:30 a.m. Strategic Programmatic Overview of the New Reactors Business Line (Public Meeting); (Contact: Donna Williams, 301–415–1322)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of September 15, 2014—Tentative

Monday, September 15, 2014

1:30 p.m. NRC All Employees Meeting (Public Meeting), Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852.

Tuesday, September 16, 2014

10:00 a.m. Briefing on Project Aim 2020 (Closed—Ex. 2)

Thursday, September 18, 2014

9:00 a.m. Briefing on Management of Low-Level Waste, High-Level Waste, and Spent Nuclear Fuel (Public Meeting); (Contact: Cinthya I. Román, 301–287–9091)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of September 22, 2014—Tentative

There are no meetings scheduled for the week of September 22, 2014.

Week of September 29, 2014—Tentative

Thursday, October 2, 2014

10:00 a.m. Meeting with the Advisory Committee on Reactor Safeguards(ACRS) (Public Meeting); (Contact: Ed Hackett, 301–415–7360).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 6, 2014—Tentative

Tuesday, October 7, 2014

9:00 a.m. Briefing on the Status of Near-Term Task Force Recommendation 2.1 for Seismic Hazard Reevaluations (Public Meeting); (Contact: Nicholas DiFrancesco, 301–415–1115)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 13, 2014—Tentative

Wednesday, October 15, 2014

11:00 a.m. Discussion of Management and Personnel Issues (Closed—Ex. 2 and 6)

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Rochelle Bavol at (301) 415–1651 or via email at *Rochelle.Bavol@nrc.gov* .

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov* . Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Patricia.Jimenez@nrc.gov* or *Brenda.Akstulewicz@nrc.gov*

Dated: September 4, 2014.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–21407 Filed 9–4–14; 4:15 pm]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Cancellation Notice—OPIC September 10, 2014 Public Hearing

OPIC's Sunshine Act notice of its Public Hearing in Conjunction with each Board meeting was published in the **Federal Register** (Volume 79, Number 169, Page 52073) on September 2, 2014. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's public hearing scheduled for 2 p.m., September 10, 2014 in conjunction with OPIC's September 18, 2014 Board of Directors meeting has been cancelled.

Contact person for information: Information on the hearing cancellation may be obtained from Connie M. Downs at (202) 336–8438, or via email at *Connie.Downs@opic.gov.*

Dated: September 4, 2014.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 2014–21478 Filed 9–4–14; 4:15 pm]

BILLING CODE 3210–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Salary Council

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The Federal Salary Council will meet on October 17, 2014, at the time and location shown below. The Council is an advisory body composed of representatives of Federal employee organizations and experts in the fields of labor relations and pay policy. The Council makes recommendations to the President's Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and the Office of Personnel Management) about the locality pay program for General Schedule employees under section 5304 of title 5, United States Code. The Council's recommendations cover the establishment or modification of locality pay areas, the coverage of salary surveys, the process of comparing Federal and non-Federal rates of pay, and the level of comparability payments that should be paid.

The Council will hear public testimony about the locality pay program, review the results of pay comparisons, and formulate its recommendations to the President's Pay Agent on pay comparison methods, locality pay rates, and locality pay areas and boundaries for 2016. The meeting is open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to submit testimony or present material to the Council at the meeting.

DATES: October 17, 2014, at 10:00 a.m.

Location: Office of Personnel Management, 1900 E Street NW., Pendleton Room 5th Floor, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brenda L. Roberts, Acting Deputy Associate Director, Pay and Leave, Office of Personnel Management, 1900 E Street NW., Room 7H31, Washington, DC 20415–8200. Phone (202) 606–2838; FAX (202) 606–0824; or email at *pay-leave-policy@opm.gov.*

For The President's Pay Agent.

Katherine Archuleta,

Director.

[FR Doc. 2014–21294 Filed 9–5–14; 8:45 am]

BILLING CODE 6325–39–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2014–41 and CP2014–74; Order No. 2176]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Express Contract 19 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 9, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Express Contract 19 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.,* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2014–41 and CP2014–74 to consider the Request pertaining to the proposed Priority Mail Express Contract 19 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than September 9, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2014–41 and CP2014–74 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than September 9, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–21200 Filed 9–5–14; 8:45 am]

BILLING CODE 7710–FW–P

[1] Request of the United States Postal Service to Add Priority Mail Express Contract 19 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, August 28, 2014 (Request).

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31236]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

August 29, 2014.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of August 2014. A copy of each application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 23, 2014, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus at (202) 551–6810, SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE., Washington, DC 20549–8010.

COLI VUL–4 Series Account of Great-West Life & Annuity Insurance Company of New York [File No. 811–22102]

Summary: Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on April 14, 2014, and amended on August 21, 2014.

Applicant's Address: 50 Main St., White Plains, NY 10606.

PHL Variable Accumulation Account III [File No. 811–22275]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on June 5, 2014, and amended on August 11, 2014.

Applicant's Address: PHL Variable Insurance Company, One American Row, P.O. Box 5056, Hartford, CT 06102–5056.

KKR Alternative Corporate Opportunities Fund [File No. 811–22721]; KKR Alternative Corporate Opportunities Fund P [File No. 811–22722]

Summary: Each applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On March 31, 2014, applicants made liquidating distributions to their shareholders, based on net asset value. KKR Asset Management LLC, investment adviser to both applicants, agreed to bear all expenses incurred in connection with the liquidations.

Filing Dates: The applications were filed on June 27, 2014, and amended on August 12, 2014.

Applicants' Address: 555 California St., 50th Floor, San Francisco, CA 94104.

Cohen & Steers Emerging Markets Real Estate Fund, Inc. [File No. 811–21894]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 28, 2014, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $17,316 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on July 29, 2014.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–21252 Filed 9–5–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, September 11, 2014 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Settlement of injunctive actions;

Institution settlement of administrative proceedings;

Consideration of amicus participation other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: September 4, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–21454 Filed 9–4–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72954; File No. SR–NYSEArca–2014–91]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Listing and Trading Shares of ProShares Managed Futures Strategy; ProShares Commodity Managed Futures Strategy; and ProShares Financial Managed Futures Strategy Under NYSE Arca Equities Rule 8.200

September 2, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 18, 2014, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the following under NYSE Arca Equities Rule 8.200 (''Trust Issued Receipts''): ProShares Managed Futures Strategy; ProShares Commodity Managed Futures Strategy; and ProShares Financial Managed Futures Strategy. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the following under Commentary .02 to NYSE Arca Equities Rule 8.200, which governs the listing and trading of Trust Issued Receipts that invest in ''Investment Shares'' or ''Financial Instruments'', as defined therein: ProShares Managed Futures Strategy; ProShares Commodity Managed Futures Strategy; and ProShares Financial Managed Futures Strategy (each a ''Fund'' and, collectively, the ''Funds'').[4]

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[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] For a description of ProShares Managed Futures Strategy, see the Trust's registration statement on Form S–1, dated June 18, 2014 (File No. 333–196884). For a description of ProShares Commodity

Continued

Each Fund is a series of the ProShares Trust II (''Trust''), a Delaware statutory trust. ProShare Capital Management LLC (''Sponsor'') is the Trust's Sponsor and Wilmington Trust Company is the Trust's trustee. Brown Brothers Harriman & Co. serves as the administrator (''Administrator''), custodian, and transfer agent of the Funds. SEI Investments Distribution Co. serves as distributor of the Shares (''Distributor'').

The Commission originally approved listing and trading of the Shares of the Funds on NYSE Arca.[5] The Commission subsequently approved listing and trading of Shares of the Funds on the BATS Exchange, Inc. (''BATS Exchange'' or ''BATS).[6] Shares of the Funds have not commenced listing and trading on any national securities exchange. The Trust now wishes to list and trade Shares of the Funds on NYSE Arca.

Description of the Shares and the Funds

According to the Registration Statement, ProShares Managed Futures Strategy will seek to provide investment results (before fees and expenses) that correspond to the performance of the S&P Strategic Futures Index (''SFI'' or ''Index''). ProShares Commodity Managed Futures Strategy and ProShares Financial Managed Futures Strategy will seek to provide investment results (before fees and expenses) that correspond to the performance of a sub-index of the Index (''Sub-Index'').[7] ProShares Commodity Managed Futures Strategy will seek to provide investment results (before fees and expenses) that correspond to the performance of the S&P Strategic Commodities Futures Index (''SCFI''), a Sub-Index of the SFI. ProShares Financial Managed Futures Strategy will seek to provide investment results (before fees and expenses) that correspond to the performance of the S&P Strategic Financial Futures Index (''SFFI''), another Sub-Index of the SFI.[8]

The description of the Index and Sub-Indexes to be utilized by the Funds (i.e., SFI, SCFI and SFFI) has been modified in the following respects from the DFI and their sub-indexes as described in the BATS Release:

The SFI, SCFI and SFFI weight each component based on an equal risk contribution methodology, rather than the current methodology for the DFI and its sub-indexes, which utilize production levels (for weightings of the Commodity Futures Contracts) and gross domestic product (''GDP'') (for weightings of the Financial Futures Contracts). The Index Components are rebalanced each month based on the historical volatility of each Index Component, as well as the correlation of each Index Component to the other contracts included in the SFI. The objective of this methodology is that no single Index Component exposes the SFI, SCFI and SFFI to greater risk than any other Index Component.

Due to this change, there is no longer an annual weighting process; weights are determined (and the Index is correspondingly repositioned) on a monthly basis.

Index Component weights are determined monthly (based on an equal risk contribution methodology, as referenced above). These weights are implemented as of each monthly rebalance.

Index Component weights are fixed each year and rebalanced back to their annual base weight monthly. During this monthly rebalancing, the Index will also ''roll'' certain of its positions from the current contract to a contract further from settlement.

With the exception of the changes described above and in information included in ''The Index and the Sub-Indexes'' below, all representations made in the BATS Release, including those pertaining to the methodology for the Index and the Sub-Indexes, remain as described therein. The components of the SFI, SCFI and SFFI are identical to the components of the DFI and the corresponding sub-indexes of the DFI, except that weightings of components of the SFI and the Sub-Indexes differ from the weightings of components of the DFI and its corresponding sub-indexes.

The Index and the Sub-Indexes

The following charts reflect the weighting schemes for the Index and each Sub-Index as of May 31, 2014. The weights will be determined each month and implemented as of the next monthly rebalancing. For the Index, the initial Index weights, together with information about the exchange and trading hours for each Index Component, are as follows (rounded to the nearest one-hundredth):

Managed Futures Strategy, see the Trust's registration statement on Form S–1/A, dated January 16, 2013 (File No. 333–185288). For a description of ProShares Financial Managed Futures Strategy, see the Trust's registration statement on Form S–1/A, dated February 14, 2012 (File No. 333–178212). Each of the above-referenced registration statements is referred to herein as a ''Registration Statement'' and, collectively, the Trust's registration statements are referred to herein as the ''Registration Statements''. The description of the Funds and the Shares contained herein is based, in part, on the Registration Statements.

[5] *See* Securities Exchange Act Release Nos. 66002 (December 19, 2011), 76 FR 80433 (December 23, 2011) (SR–NYSEArca–2011–94) (''NYSE Arca Notice''); 66334 (February 6, 2012), 77 FR 7219 (February 10, 2012) (SR–NYSEArca–2011–94) (order approving listing and trading on NYSE Arca of Shares of ProShares Managed Futures Strategy; ProShares Commodity Managed Futures Strategy; and ProShares Financial Managed Futures Strategy) (''NYSE Arca Order'', and, together with the NYSE Arca Notice, the ''NYSE Arca Release'').

[6] *See* Securities Exchange Act Release Nos. 68257 (November 19, 2012), 77 FR 70500 (November 26, 2012) (SR–BATS–2012–044) (notice of proposed rule change to list and trade on BATS of ProShares Managed Futures Strategy; ProShares Commodity Managed Futures Strategy; and ProShares Financial Managed Futures Strategy) (''BATS Notice''); 68619 (January 10, 2013), 78 FR 3489 (January 16, 2013) (SR–BATS–2012–044) (order approving listing and trading on BATS Exchange of ProShares Managed Futures Strategy; ProShares Commodity Managed Futures Strategy; and ProShares Financial Managed Futures Strategy) (''BATS Order'', and together with the BATS Notice, the ''BATS Release'').

[7] Previously, as described in the BATS Release and the NYSE Arca Release, ProShares Managed Futures Strategy sought to provide investment results (before fees and expenses) that corresponded to the performance of the S&P Dynamic Futures Index (the ''DFI''), and ProShares Commodity Managed Futures Strategy and ProShares Financial Managed Futures sought to provide investment results (before fees and expenses) that corresponded to the performance of a sub-index of the DFI. The SFI is a new index that is based on and is substantially similar to the DFI and each of the Sub-Indexes is substantially similar to its corresponding sub-index of the DFI (i.e., the S&P Dynamic Commodities Futures Index and the S&P Dynamic Financial Futures Index, respectively) except as further described below.

[8] The Index (like the DFI) is composed of unleveraged positions in U.S. exchange-traded futures contracts on sixteen different tangible commodities (''Commodity Futures Contracts''), as well as U.S. exchange-traded futures contracts on eight different financials, such as major currencies and U.S. Treasury securities (''Financial Futures Contracts'' and together with the Commodity Futures Contracts, ''Index Components''). The Index Components are traded on the Chicago Mercantile Exchange, Inc. (''CME''), COMEX (a division of CME), Chicago Board of Trade (''CBOT,'' a division of CME), NYMEX (a division of CME), and ICE Futures US (''ICE'') (collectively, ''Futures Exchanges''). The Index Components in which the Funds will invest are referred to herein as ''Futures Contracts''.

INDEX WEIGHTS

Sub-index	Weight (%)	Sector	Weight (%)	Component	Weight (%)	Exchange	Trading hours[9]
SCFI	52.36	Energy	11.72	Light Crude	3.02	NYMEX (CME)	6:00 p.m.–5:15 p.m. next day.
				Heating Oil	3.21	NYMEX (CME)	6:00 p.m.–5:15 p.m. next day.
				RBOB Gasoline	3.22	NYMEX (CME)	6:00 p.m.–5:15 p.m. next day.
				Natural Gas	2.27	NYMEX (CME)	6:00 p.m.–5:15 p.m. next day.
		Industrial Metals	3.207	Copper	3.32	COMEX (CME)	6:00 p.m.–5:15 p.m. next day.
		Precious Metals	5.09	Gold	1.99	COMEX (CME)	6:00 p.m.–5:15 p.m. next day.
				Silver	1.37	COMEX (CME)	6:00 p.m.–5:15 p.m. next day.
		Livestock	14.23	Lean Hogs	4.59	CME	10:05 a.m.–2:55 p.m.; Daily trading halts: 5:00 p.m.–6:00p.m.
				Live Cattle	9.64	CME	10:05 a.m.–2:55 p.m.; Daily trading halts 5:00 p.m.–6:00 p.m.
		Grains	8.08	Corn	2.24	CBOT (CME)	8:00 p.m.–2:15 p.m. next day.
				Soybeans	2.89	CBOT (CME)	8:00 p.m.–2:15 p.m. next day.
				Wheat	2.96	CBOT (CME)	8:00 p.m.–2:15 p.m. next day.
		Softs	11.65	Coffee	1.58	ICE	4:15 a.m.–1:30 p.m.
				Cocoa	3.70	ICE	4:45 a.m.–1:30 p.m.
				Sugar	3.24	ICE	3:30 a.m.–1:00 p.m.
				Cotton	3.13	ICE	9:00 p.m.–2:20 p.m. next day.
SFFI	47.64	Australian Dollar	4.78	Australian Dollar	....	CME	6:00 p.m.–5:15 p.m. next day.
		British Pound	6.35	British Pound	....	CME	6:00 p.m.–5:15 p.m. next day.
		Canadian Dollar	6.67	Canadian Dollar	....	CME	6:00 p.m.–5:15 p.m. next day.
		Euro	5.72	Euro	....	CME	6:00 p.m.–5:15 p.m. next day.
		Japanese Yen	4.96	Japanese Yen	....	CME	6:00 p.m.–5:15 p.m. next day.
		Swiss Franc	5.07	Swiss Franc	....	CME	6:00 p.m.–5:15 p.m. next day.
		U.S. Treasury Notes.[10]	8.39	U.S. Treasury Notes	....	CBOT (CME)	6:00 p.m.–5:00 p.m. next day.
		U.S. Treasury Bonds.[11]	5.71	U.S. Treasury Bonds	....	CBOT (CME)	6:00 p.m.–5:00 p.m. next day.
Totals	100		100		100		

For the SCFI, the initial Sub-Index weightings are as follows:

SCFI WEIGHTS

Sector	Weight (%)	Component	Weight (%)
Energy	22.41	Light Crude	5.78
		Heating Oil	6.16
		RBOB Gasoline	6.15
		Natural Gas	4.32
Industrial Metals	6.34	Copper	6.34

[9] All times are Eastern Time (''E.T.'', inclusive of electronic and open outcry trading sessions, as applicable.

[10] ''U.S. Treasury Notes'' refers to 10 year U.S. Treasury Note futures.

[11] ''U.S. Treasury Bonds'' refers to those futures with underlying bonds of a remaining term to call or maturity of 15–25 years.

SCFI WEIGHTS—Continued

Sector	Weight (%)	Component	Weight (%)
Precious Metals	6.42	Gold	3.81
		Silver	2.61
Livestock	27.72	Lean Hogs	8.74
		Live Cattle	18.48
Grains	15.43	Corn	4.27
		Soybeans	5.51
		Wheat	5.65
Softs	22.18	Coffee	3.02
		Cocoa	7.01
		Sugar	6.19
		Cotton	5.96
Total	100		100

Finally, for the SFFI, the initial Sub-Index weightings are as follows:

SFFI WEIGHTS

Sector	Weight (%)	Component	Weight (%)
Australian Dollar	10.03	Australian Dollar	10.03
British Pound	13.30	British Pound	13.30
Canadian Dollar	14.02	Canadian Dollar	14.02
Euro	11.97	Euro	11.97
Japanese Yen	10.41	Japanese Yen	10.41
Swiss Franc	10.61	Swiss Franc	10.61
U.S. Treasury Notes	17.64	U.S. Treasury Notes	17.64
U.S. Treasury Bonds	12.01	U.S. Treasury Bonds	12.01
Total	100		....

The Exchange does not believe the changes to the SFI methodology will adversely impact investors. The Sponsor represents that an equal risk contribution methodology and monthly rebalancing (rather than an annual weighting process) of SFI components may reduce volatility of the Index and Sub-Indexes and the price of the Funds' Shares, and may reduce the likelihood that comparatively greater volatility in one or more Index Components will contribute to increased volatility in the price of the Funds' Shares.

Net Asset Value

The Exchange will obtain a representation (prior to listing of a Fund's Shares) from the Trust that the net asset value (''NAV'') per Share will be calculated daily and made available to all market participants at the same time.

Intraday Indicative Value

An estimated value (the ''Intraday Indicative Value'' or ''IIV'') that reflects a current estimated intraday value of Futures Contracts and other applicable holdings, cash and receivables, less liabilities of each Fund, will be disseminated.

For each Fund, the IIV will be widely disseminated on a per Share basis by one or more major market data vendors every 15 seconds during the Exchange's Core Trading Session (9:30 a.m. to 4:00 p.m. E.T.)[12] The value of a Share may be influenced by non-concurrent trading hours between the Exchange and the applicable Futures Exchanges trading Futures Contracts when the Shares are traded on the Exchange after normal trading hours of such Futures Exchanges.

The IIV will be updated during the Core Trading Session when applicable Futures Exchanges are trading any Futures Contracts held by a Fund.

However, the IIV that will be disseminated between 11:50 a.m. E.T. and the end of the Core Trading Session will be impacted by static values for certain Futures Contracts.[13]

For the Funds, the IIV will be calculated throughout the Core Trading Session using the prior day's closing NAV of a Fund as a base and updating throughout the trading day changes in the value of a Fund's Futures Contracts, cash equivalents, swap agreements, if applicable, and other applicable holdings. The IIV should not be viewed as an actual real-time update of the NAV because NAV is calculated only once each trading day at 3:00 p.m. E.T. The IIV also should not be viewed as a precise value of the Shares.

Dissemination of the IIV provides additional information that is not otherwise available to the public in such form and may be useful to investors and market professionals in connection with the trading of Shares.

Availability of Information Regarding the Shares

The Web site for the Funds (*www.ProShares.com*) and/or the Exchange, which are publicly accessible at no charge, will contain the following information: (a) The current NAV per Share daily and the prior business day's NAV per Share; (b) calculation of the premium or discount between the NAV per Share and the price or mid-point of the Bid/Ask Price of the Funds as of the

[12] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available IIVs taken from Consolidated Tape Association (''CTA'') or other data feeds.

[13] The value of the IIV will be based on the underlying Futures Contracts. Once a particular Futures Contract settles, a static closing value for that Futures Contract will be used to calculate the IIV, which will continue to update based on any other Futures Contracts that have not reached their settlement time.

time the NAV is calculated or as of the official market close; (c) the prospectus; and (d) other applicable quantitative information.

The Exchange also will disseminate on a daily basis via the CTA information with respect to the recent NAV and Shares outstanding. The Exchange will also make available on its Web site daily trading volume of the Shares. Daily trading volume information will also be available in the financial section of newspapers, their related Web sites or other financial Web sites, through subscription services, which can be accessed by authorized participants and other investors, as well as through other electronic services, including major public Web sites. The intra-day, closing, and settlement prices of the Futures Contracts are also readily available, as applicable, from the respective Futures Exchanges. Quotation and last-sale information for the Shares will be available via the CTA high-speed line.

Portfolio Disclosure

Each Fund's total portfolio composition will be disclosed on such Fund's Web site or another relevant Web site as determined by the Trust and/or the Exchange. The Trust will provide Web site disclosure of portfolio holdings daily and will include, as applicable, the names, exposure value (in U.S. dollars) and number of Futures Contracts or units of swaps held by a Fund, if any, and the amount of cash or cash equivalents and other assets held in the portfolio of each Fund. This public Web site disclosure of the portfolio composition of the Funds will occur at the same time as the disclosure by the Sponsor of the portfolio composition to authorized participants, so that all market participants are provided portfolio composition information at the same time. Therefore, the same portfolio information will be provided on the public Web site as well as in electronic files provided to authorized participants. Accordingly, each investor will have access to the current portfolio composition of the Funds through the Funds' Web site, and/or at the Exchange's Web site.

Availability of Information About the Index and Sub-Indexes

The daily closing Index level and the percentage change in the daily closing Index level for the Index and each Sub-Index will be publicly available from one or more major market data vendors. Data regarding the Index and each Sub-Index, updated every 15 seconds, is also available from Standard & Poor's on a subscription basis.

Several independent data vendors also package and disseminate Index and Sub-Index data in various formats (including vendors displaying both Index constituents and Index levels and vendors displaying Index levels only). Data regarding the Index Components is also available from the Web sites of the Futures Exchanges. Data regarding the commodities, currencies, and Treasury securities underlying the Index Components is publicly available from various financial information service providers. Information relating to the weighting of Index constituents and the rules-based Index methodology is also available on the Web site for S&P Dow Jones Indices at *www.us.spindices.com.*

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. E.T. in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.200. The Exchange represents that, for initial and/or continued listing, each Fund will be in compliance with Rule 10A–3 [14] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for each Fund will be outstanding at the commencement of trading on the Exchange.

The trading of the Shares will be subject to NYSE Arca Equities Rule 8.200, Commentary .02(e), which sets forth certain restrictions on Equity Trading Permit (''ETP'') Holders acting as registered Market Makers in TIRs to facilitate surveillance. See ''Surveillance'' below for more information.

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the underlying Futures Contracts, or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's ''circuit breaker'' rule [15] or by the halt or suspension of trading of the underlying Index Components.

The Exchange represents that the Exchange may halt trading during the day in which an interruption to the dissemination of the IIV, the level of the Index (or Sub-Index) or the value of the underlying Index Components occurs. If an interruption to the dissemination of the IIV, the level of the Index (or Sub-Index) or the value of the underlying Index Components persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[16] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

[14] 17 CFR 240.10A–3.

[15] *See* NYSE Arca Equities Rule 7.12.

[16] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and underlying futures with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and underlying futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and underlying futures from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[17] The Exchange can obtain market surveillance information, including customer identity information, with respect to transactions occurring on the Futures Exchanges, all of which are members of the ISG. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Funds reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'').

For components traded on exchanges, not more than 10% of the weight of a Fund's portfolio in the aggregate shall consist of components whose principal trading market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in ''Creation Unit'' aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IIV will not be calculated or publicly disseminated; (4) how information regarding the IIV, each Fund's portfolio and the Index and Sub-Indexes is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Funds are subject to various fees and expenses described in the Registration Statements. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. E.T. each trading day.

The Information Circular will disclose that information about the Shares of the Funds will be publicly available on the Funds' Web site.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[18] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.200 and Commentary .02 thereto. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. The Index Components are traded on the Futures Exchanges, each of which is an ISG member, and information regarding trading in the Index Components is available from the Web sites of the respective Futures Exchanges and from major market data vendors. The daily closing Index level and the percentage change in the daily closing Index level for the Index and each Sub-Index will be publicly available from one or more major market data vendors. Data regarding the Index and each Sub-Index, updated every 15 seconds during the NYSE Arca Core Trading Session, is also available from Standard & Poor's on a subscription basis. Standard & Poor's has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Index and Sub-Indexes. Data regarding the commodities, currencies and Treasury securities underlying the Index Components is publicly available from various financial information service providers. The Exchange may halt trading during the day in which an interruption to the dissemination of the IIV, the level of the Index (or Sub-Index) or the value of the underlying Index Components occurs. If an interruption to the dissemination of the IIV, the level of the Index (or Sub-Index) or the value of the underlying Index Components persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. Quotation and last sale information for the Shares will be available via CTA. Each Fund's total portfolio composition will be disclosed on the Funds' Web site.

The Exchange believes the proposed rule change is designed to protect investors and the public interest in that the Commission has previously approved listing an trading of Shares of the Funds on the Exchange and BATS,[19] and, with the exception of the changes described in ''Description of the Shares and the Funds'' and in information included in ''The Index and the Sub-Indexes'' above, all representations made in the BATS Release remain as described therein. The Exchange believes the changes described above help perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that the components of the SFI, SCFI and SFFI are identical to the components of the DFI and its sub-indexes except that individual Index and Sub-Index components are weighted differently. The SFI, SCFI and SFFI weight each component based on an equal risk contribution methodology, rather than the current methodology for the DFI and its sub-indexes, which utilize production levels (for weightings of the Commodity Futures Contracts) and GDP (for weightings of the Financial Futures Contracts). In addition, the Index Components are rebalanced each month based on the historical volatility of each Index Component, as well as the correlation of

[17] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that not all Futures Contracts may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[18] 15 U.S.C. 78f(b)(5).

[19] *See* notes 5–6, *supra.*

each Index Component to the other contracts included in the SFI. The objective of this methodology is that no single Index Component exposes the SFI, SCFI and SFFI to greater risk than any other Index Component. The Exchange does not believe the changes to the SFI methodology will adversely impact investors in that the Sponsor represents that a monthly equal risk contribution methodology (rather than an annual weighting process based on, as applicable, production and GDP factors) of SFI components may reduce volatility of the Index and Sub-Indexes, and by extension the price of the Funds' Shares, and may reduce the likelihood that comparatively greater volatility in one or more Index Components will contribute to increased volatility in the price of the Funds' Shares. Furthermore, such changes may benefit performance by granting an equal importance to beneficial trends in each market, rather than exaggerating the importance of one market over another based on outside factors such as the relative size of market.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that a large amount of information is publicly available regarding the Funds and the Shares, thereby promoting market transparency. The NAV per Share will be calculated daily and made available to all market participants at the same time. One or more major market data vendors will disseminate for the Funds on a daily basis information with respect to the recent NAV per Share and Shares outstanding. For each Fund, the IIV will be widely disseminated on a per Share basis by one or more major market data vendors every 15 seconds during the NYSE Arca Core Trading Session.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Funds' holdings, IIV, and quotation and last sale information for the Shares.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of exchange-traded products that are based on futures indexes and that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [20] and Rule 19b–4(f)(6)(iii) thereunder.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2014–91 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2014–91. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549 on official business days between 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–91 and should be submitted on or before September 29, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–21247 Filed 9–5–14; 8:45 am]

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[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72957; File No. SR–CBOE–2014–015]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to Complex Orders

September 2, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 19, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules related to complex orders. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules related to complex orders to: (i) Simplify the definitions of the complex order types that may be made available on a class-by-class basis and remove references to certain specific complex order types that will no longer be defined; (ii) with respect to complex orders in open outcry, set forth applicable ratios and order ticket requirements for an order to be eligible for complex order priority within applicable priority rules; and (iii) with respect to complex orders in open outcry, make explicit the priority applicable when there are other complex orders or quotes represented at the same net price, whether such other orders or quotes are in the complex order book (''COB'') or being represented in open outcry.

First, with respect to definitions, the Exchange proposes to amend Rule 6.53 to remove the definitions of spread order, combination order, straddle order and ratio order and replace them with a more general definition of a complex order (which includes a stock-option order and a security future-option order) to simplify the descriptions of the complex order types that may be made available on a class-by-class basis. The proposed definition of a ''complex order'' is any order for the same account as defined below:

- A ''complex order'' is any order involving the execution of two or more different options series in the same underlying security occurring at or near the same time within an applicable ratio that may be determined by the Exchange and for the purpose of executing a particular investment strategy.
- A ''stock-option order'' is proposed to be defined as an order to buy or sell a stated number of units of an underlying stock or a security convertible into the underlying stock (''convertible security'') coupled with either (a) the purchase or sale of options contract(s) on the opposite side of the market representing either (i) the same number of units of the underlying stock or convertible security, or (ii) the number of units of the underlying stock necessary to create a delta neutral position, but in no case in a ratio greater than an applicable ratio that may be determined by the Exchange (where the ratio represents the total number of units of the underlying stock or convertible security in the option leg to the total number of units of the underlying stock or convertible security in the stock leg) or (b) the purchase or sale of an equal number of put and call option contracts, each having the same exercise price, expiration date and each representing the same number of units of stock as, and on the opposite side of the market from, the underlying stock or convertible security portion of the order.[3]
- The purposed rule change moves the definition of a ''security future-option order'' from Rule 1.1(zz) to Rule 6.53 so that all definitions of the various types of complex orders are located in the same place within the rules.[4]

This proposed complex order definition is in part modeled after the definition of a complex order (including a stock-option order) already contained in Rule 6.53C(a). The Exchange proposes conforming changes to Rules 6.9 (including Interpretation and Policy .03), 6.42, Interpretation and Policy .01, 6.45(e), 6.45A(b)(ii), 6.45B(b)(ii), 6.48(b), 6.73(c), 6.74(d)(iii) and 8.51 to harmonize these rules with the proposed changes in Rule 6.53 to consistently reference the proposed new

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Rule 1.1(ii) currently defines a ''stock-option order'' as an order to buy or sell a stated number of units of an underlying or a related security coupled with either (i) the purchase or sale of option contract(s) on the opposite side of the market representing either the same number of units of the underlying or related security or the number of units of the underlying security necessary to create a delta neutral position or (ii) the purchase or sale of an equal number of put and call option contracts, each having the same exercise price, expiration date and each representing the same number of units of stock as, and on the opposite side of the market from, the underlying or related security portion of the order. The proposed rule change deletes this definition and references the proposed definition in Rule 6.53 to eliminate the confusion of having two separate definitions. The current definition and proposed definition are substantially similar. However, the Exchange believes the language in the proposed definition is more consistent with the language in other rules, including Rules 6.53C (related to electronic handling of complex orders) and 6.80 (related to order protection, which relates to the Options Order Protection and Locked/Crossed Markets Plan, also commonly referred to as the Options Distributive Linkage Plan).

[4] Rule 1.1(zz) defines a ''security future-option order,'' which is deemed a type of Inter-regulatory Spread Order as that term is defined in Rule 1.1(ll), as an order to buy or sell a stated number of units of a security future or a related security convertible into a security future (''convertible security future'') coupled with either (i) the purchase or sale of option contract(s) on the opposite side of the market representing either the same number of the underlying for the security future or convertible security future or the number of units of the underlying for the security future or convertible security future necessary to create a delta neutral position or (ii) the purchase or sale of an equal number of put and call option contracts, each having the same exercise price, expiration date and each representing the same number of the underlying for the security future or convertible security future, as and on the opposite side of the market from, the underlying for the security future or convertible security future portion of the order. Rule 1.1(ll) defines an ''Inter-regulatory Spread Order'' as an order involving the simultaneous purchase and/or sale of at least one unit in contracts each of which is subject to different regulatory jurisdictions at stated limits, or at a stated differential, or at market prices on the floor of the Exchange. The proposed rule change deletes the definition in Rule 1.1(zz) and references the definition in the proposed new location in Rule 6.53.

definition of a complex order.[5] As a result of the proposed changes to Rule 6.53, the Exchange proposes to update related cross-references in Rules 6.53, 6.53C, Interpretation and Policy .08, 6.74(d)(iii), 7.12(b)(i)(E), 24.A.5 and 24B.5.[6] The Exchange notes that the ''applicable ratios'' referenced above that may be determined by the Exchange are or are proposed to be further described in various other Exchange Rules (*e.g.,* Rule 6.53C with respect to electronic trading and Rules 6.45, 6.45A and 6.45B with respect to open outcry trading (proposed changes discussed below)).

Second, with respect to complex orders represented and executed in open outcry, the Exchange is proposing to amend Rules 6.45 (pertaining to the priority of bids and offers and allocation of trades in non-CBOE Hybrid System classes), 6.45A (pertaining to the priority of bids and offers and allocation of trades in equity options traded on the CBOE Hybrid System) and 6.45B (pertaining to the priority of bids and offers and allocation of trades in index and ETF options traded on the CBOE Hybrid System).[7] The proposed changes set forth applicable ratios and order ticket requirements for complex orders to be eligible for complex order priority when represented and executed in open outcry.[8] Currently, Exchange and/or TPH system limitations may prevent a multi-part order with more than a certain number of legs from being entered on a single order ticket for representation and execution in open outcry as a complex order. For example, orders entered via the Exchange-sponsored PULSe workstation and Floor Broker Workstation (''FBW'') are currently limited to four legs. As a result, complex orders with more than the applicable leg limitation that are represented in open outcry must be split up and entered on multiple order tickets.

For consistency in processing and in order to enhance the Exchange's audit trail, the Exchange proposes to amend Rules 6.45(e), 6.45A(b)(ii) and 6.45B(b)(ii) to require that, to be eligible for open outcry complex order priority, a complex order (as proposed to be defined in Rule 6.53 and as discussed above) must be within the applicable ratio (discussed below) and must be for either:

- Twelve (12) legs or less (one leg of which may be for an underlying security or security future, as applicable) and entered on a single order ticket at time of systemization; or
- more than twelve (12) legs (one leg of which may be for an underlying security or security future, as applicable) and split across multiple order tickets[9] if the Trading Permit Holder (''TPH'') representing the complex order identifies for the Exchange the order tickets that are part of the same complex order (in a form and manner prescribed by the Exchange). The Exchange will announce by Regulatory Circular whether it permits complex orders with more than 12 legs and, if so permitted, the form and manner in which the TPH must link the multiple order tickets.

As discussed above, complex orders represented in open outcry must be within an applicable ratio to be eligible for complex order priority. The proposed rule change amends Rules 6.45(e), 6.45A(b)(ii) and 6.45B(b)(ii) to set forth this applicable ratio. The Exchange proposes that the applicable ratio be as follows:

- For a complex order involving two or more different options series, any ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00);
- for a stock-option order, the options leg(s) must (i) represent the same number of units of the underlying stock or convertible security in the stock leg, or (ii) represent the number of units of the underlying stock or convertible security necessary to create a delta neutral position, but in no case in a ratio greater than eight-to-one (8.00), where the ratio represents the total number of units of the underlying stock or convertible security in the options leg to the total number of units of stock or convertible security in the stock leg; and
- for a security futures-option order, the options leg(s) must (i) represent the same number of units of the underlying stock in the security future leg, or (ii) represent the number of units of the underlying stock necessary to create a delta neutral position, but in no case in a ratio greater than eight-to-one (8.00), where the ratio represents the total number of units of the underlying stock in the options leg to the total number of units of stock or convertible security in the security-futures leg.

The proposed rule change also adds to the respective rules that, for the purpose of applying the aforementioned ratios to complex orders comprised of both mini-option contracts and standard option contracts, ten (10) mini-option contracts will represent one (1) standard option contract.

The Exchange notes that TPHs may represent in open outcry a complex order with any number of legs and in any ratio. However, if a complex order does not satisfy the applicable number of legs, order ticket and ratio requirements as set forth above, then it will not be eligible for the complex order priority set forth in Rules 6.45(e), 6.45A(b)(ii) or 6.45B(b)(ii).[10] The

[5] The proposed rule change also deletes the paragraph lettering from the order type definitions and puts the order types in alphabetical order, which the Exchange believes will allow investors to more easily locate the order type definitions within the rules. Other than proposed changes to the definition of complex orders as described above, the proposed rule change makes no substantive changes to the order type definitions.

[6] In addition, cross-references in Rules 6.45, 6.45A and 6.45B to ''[s]tock-option orders and security future-option orders, as defined in Rules 1.1(ii)(a) and Rule 1.1(zz)(a), respectively'' are proposed to be replaced with the phrase ''[s]tock-option orders and security future-option orders that include only one option series leg.''

[7] Under those rules, a complex order may be executed at a net debit or credit price with another TPH without giving priority to equivalent bids (offers) in the individual series legs that are represented in the trading crowd or in the public customer limit order book provided at least one leg of the order betters the corresponding bid (offer) in the public customer limit order book by at least one minimum trading increment as defined in Rule 6.42 (*i.e.,* $0.10, $0.05 or $0.01, as applicable) or $0.01, which increment is determined by the Exchange on a class-by-class basis. Stock-option orders and security future-option orders have priority over bids (offers) of the trading crowd but not over bids (offers) in the public customer limit order book.

[8] To be eligible for electronic processing via the CBOE Hybrid System's COB and complex order RFR auction (''COA''), the system already requires that a complex order be entered on a single order ticket to be electronically processed. Under existing Rule 6.53C(a)(1) and (2), the Exchange may determine on a class-by-class basis the applicable number of legs of a complex order or stock-option order that is eligible for processing via COB and COA. Under the same provisions, the Exchange may determine on a class-by-class basis within certain parameters the applicable ratio of a complex order or stock-option order that is eligible for processing via COB and COA . Currently, the Exchange has limited COB and COA to orders of no more than four (4) legs and ratios equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) (and, for stock-option orders, ratios no greater than eight-to-one (8.00)). Under this current structure, orders with more than four (4) legs or that do not satisfy the ratio requirements are not eligible for electronic processing via COB or COA, but would instead be routed for handling in open outcry. The proposed rule change adds language to the introductory paragraph of Rule 6.53C(a) to explicitly state that the definitions of complex orders contained in that rule apply only for purposes of the electronic handling of complex orders pursuant to that rule, notwithstanding the proposed broader definition of complex order contained in Rule 6.53. Because there are two separate definitions of complex orders, the Exchange believes this additional language will bring clarity to the rules about when the definition of complex orders in Rule 6.53C(a) applies, which is in the context of electronic trading.

[9] The Exchange notes that it is not imposing requirements on how a complex order with more than 12 legs should be split across multiple tickets, other than the requirement discussed above that each ticket identify the other applicable tickets.

[10] Similarly, a complex order submitted for electronic handling must satisfy the ratio and leg requirements set forth in Rule 6.53C(a) to receive

Continued

Exchange also notes that it does not propose to amend how complex orders are allocated or the priority afforded to complex orders in open outcry; it is merely modifying the requirements for a complex order to be eligible for the open outcry complex order priority.

With respect to the order ticket requirements, the Exchange also proposes to add to Rule 24.20 (pertaining to SPX Combo Orders) Interpretation and Policy .01 to require that an SPX Combo Order [11] for twelve (12) legs or less be entered on a single order ticket at time of systemization. An SPX Combo Order that contains more than twelve (12) legs may be represented and executed as a single SPX Combo Order in accordance with Rule 24.20 if it is split across multiple order tickets and the TPH representing the SPX Combo Order identifies for the Exchange the order tickets that are part of the same SPX Combo Order (in a manner and form prescribed by the Exchange). The Exchange will announce by Regulatory Circular whether it permits SPX Combo Orders with more than 12 legs and, if so permitted, the form and manner in which the TPH must link the multiple order tickets. The Exchanges notes that a TPH may submit an order that does not satisfy these ticket requirements, but such order may not be represented or executed as a single SPX Combo Order in accordance with Rule 24.20. The Exchange also notes that Rules 24.20 already specifies an applicable ratio (defined by the delta as noted above), and it is proposing no changes to the ratio through this rule filing.

Third, with respect to complex orders in classes where the COB is available, the Exchange also proposes to make explicit the open outcry priority applicable when there are other complex orders or quotes represented at the same net price, whether such other orders or quotes are in the COB or being represented in open outcry. Specifically, the Exchange proposes to amend Rules 6.45A and 6.45B [12] to provide that if a complex order would trade in open outcry at the same net debit or credit price as another complex order, priority would go first to public customer orders in COB (with multiple public customer orders ranked based on time), then to complex order bids and offers represented in the trading crowd (with multiple bids and offers ranked in accordance with the allocation principles applicable to in-crowd market participants contained in Rule 6.45A(b)(i)(B) and (D), and Rule 6.45B(b)(i)(B) and (D), respectively), and then to all other orders and quotes in the COB (with multiple bids and offers ranked in accordance with the allocation algorithm in effect pursuant to Rule 6.53C).[13] This methodology for prioritizing multiple complex orders for open outcry trading is consistent with the methodology applicable for prioritizing multiple simple orders for open outcry trading and how the Exchange has interpreted and applied complex order priority.[14] The Exchange is merely proposing to reflect this existing interpretation within its rule text for added clarity. The Exchange is proposing no changes to the existing prioritization methodology.

Finally, the proposed rule change makes other non-substantive, technical changes to Rules 6.45A, 6.45B, 6.53, 6.53C, 24A.5 and 24B.5, including deleting extra spaces, adding spaces where necessary, correction of typos and revising rule headings to be consistent with other headings.

The Exchange anticipates that TPHs may desire to make enhancements to their open outcry order management and execution systems to address the ticket requirements for a multi-legged order to be eligible for priority when represented and executed in open outcry.[15] Therefore, upon approval of this rule change filing, the Exchange will announce the implementation date of the proposed rule change in a Regulatory Circular to be published no later than 90 days following the approval date. The implementation date will be no later than 180 days following the approval date.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[16] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [17] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [18] requirement that the rules of an exchange not be designed

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the complex order priority set forth in that rule (which requires at least one leg of the complex order to better the corresponding bid (offer) in the leg series by at least one minimum increment or $0.01, as applicable.

[11] An ''SPX Combo Order'' consists of an order to purchase or sell one or more SPX option series and the offsetting number of SPX combinations defined by the delta, where an ''SPX combination'' is a purchase (sale) of an SPX call and sale (purchase) of an SPX put having the same expiration date and strike price and a ''delta'' is the positive (negative) number of SPX combinations that must be sold (bought) to establish a market neutral hedge with one or more SPX option series.

[12] The Exchange may determine to make the COB available on a class-by-class basis for products trading on the CBOE Hybrid System platform. Because the COB functionality is not available for non-CBOE Hybrid System classes, corresponding changes are not necessary for Rule 6.45(e).

[13] The Exchange notes that, for purposes of this provision, Voluntary Professionals and Professionals, as defined in Rules 1.1(fff) and (ggg), respectively, are treated in the same manner as a broker-dealer in classes where the Voluntary Professional and Professional designations are available.

[14] The Exchange notes that the provisions of Rule 6.45A(b)(i)(D) and 6.45B(b)(i)(D), respectively, applicable to TPHs relying on Section 11(a)(1)(D) of the Securities Exchange Act of 1934 (the ''Act'') and Rule 11a1–1(T) thereunder (commonly known as the ''G'' exemption rule'') would apply to complex orders in the same manner as it applies to simple orders. Those rules provisions provide that in open outcry, any TPH relying on the G exemption rule as an exemption must yield priority to any bid (offer) at the same price of public customer orders and broker-dealer orders resting in the electronic book, as well as any other bids and offers that have priority over such broker-dealer orders under those rules. Under these provisions, a TPH relying on the G exemption rule would yield priority to simple public customer orders and broker-dealer orders resting in the book and complex public customer orders and broker-dealer orders resting in the COB, as well as any other simple and complex bids and offers that have priority over such broker-dealer orders under those rules.

[15] The Exchange notes that it intends to enhance the Exchange-sponsored PULSe workstation and FBW to support the entry of complex orders with up to twelve (12) legs on a single order ticket. The Exchange notes that TPHs will not be required to make changes to their own or third-party vendor's order entry and execution systems. However, to the extent a TPH wants to represent and execute a multi-part order in open outcry as a complex order, the order must be entered on a single order ticket and cannot exceed twelve (12) legs (or, if the Exchange has determined to make it available, an order for more than twelve (12) legs that is entered on multiple order tickets, which tickets are linked in a form and manner prescribed by the Exchange). For example, if a TPH's order entry and execution system currently only supports the open outcry processing of a complex order with up to four (4) legs, the system would not need to be enhanced if the TPH does not intend to represent and execute complex orders with more than four (4) legs. If the TPH intends to represent and execute complex orders with more than four (4) legs (*i.e.,* complex orders with five (5) to twelve (12) legs), then the TPH may need to enhance its existing system or utilize another order entry and execution system that supports the open outcry processing of such orders on a single order ticket.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *Id.*

to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that (1) removing the definitions of spread order, combination order, straddle order and ratio order from Rule 6.53 and incorporating the more general definition of a complex order (including a stock-option order (and the elimination of a redundant definition of stock-option order) and a security future-option order) into the Rule and (2) harmonizing rules that reference such definitions simplifies and provides more clarity and uniformity to the rules, which ultimately benefits investors. The Exchange believes the proposed nonsubstantive changes to the rules, include the alphabetization of the order type definitions, further benefits investors, as they improve the readability of and further simplify the rules.

Additionally, the Exchange believes the proposed rule change to limit the eligibility of orders represented and executed in open outcry for complex order priority to orders that satisfy the order ticket and applicable ratio requirements will enhance the Exchange's audit trail. An enhanced audit trail promotes transparency and aids in surveillance, thereby protecting investors. In addition, making explicit the open outcry priority applicable when there are other complex orders or quotes represented at the same net price, whether such other orders or quotes are in the COB or being represented in open outcry, provides added clarity to the rule text in a manner that is consistent with the existing methodology applicable for prioritizing multiple simple orders for open outcry trading and how the Exchange has interpreted and applied complex order priority.

The Exchange notes that TPHs may continue to represent and execute in open outcry a complex order with any number of legs and in any ratio. However, if a complex order does not satisfy the applicable ratio and order ticket requirements as set forth above, then it will not be eligible for the complex order priority set forth in Rules 6.45(e), 6.45A(b)(ii) or 6.45B(b)(ii) (as proposed). The Exchange also notes that it does not propose to amend how complex orders are allocated or the priority afforded to complex orders in open outcry; it is merely modifying the requirements for a complex order to be eligible for the existing open outcry complex order priority (which the Exchange is not proposing to change). The Exchange believes the proposed changes will increase opportunities for execution of complex orders and lead to tighter spreads on CBOE, which will benefit investors. The Exchange also believes that the proposed rule change is designed to not permit unfair discrimination among market participants, as all market participants may trade complex orders, and the priority eligibility requirements apply to complex orders of all market participants.

In addition, the Exchange believes the proposed rule change is consistent with Section 6(b)(1) of the Act,[19] which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's TPHs (and persons associated with its TPHs) with the Act, the rules and regulations thereunder and the rules of the Exchange. Enhancing the audit trail with respect to open outcry complex order processing will further improve the Exchange's ability to better enforce compliance by the Exchange's TPHs (and persons associated with its TPHs) with the Act, the rules and regulations thereunder and the rules of the Exchange.

The Exchange also believes the proposed rule change furthers the objectives of Section 6(c)(3) of the Act, which authorizes the Exchange to, among other things, prescribe standards of operational capability for its TPHs. The Exchange believes the provisions imposing order ticket requirements in order for a complex order to be eligible for complex order priority is reasonable and sets forth appropriate system requirements for supporting complex order processing for open outcry trades.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that simplifying its rules related to complex orders promotes fair and orderly markets, as well as assists the Exchange in its ability to effectively attract order flow and liquidity to its market, and ultimately benefits all TPHs and all investors. Complex orders are available to all TPHs (and all non-TPH market participants through TPHs), and the proposed rule change, including the complex order priority eligibility requirements, apply to all complex orders in the same manner.

[19] 15 U.S.C. 78f(b)(1).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2014–015 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2014–015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–015 and should be submitted on or before September 29, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–21250 Filed 9–5–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72959; File No. SR–CME–2014–28]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 2 Thereto, Related to Enhancements to Its Risk Model for Credit Default Swaps

September 2, 2014.

Pursuant to the Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 2, 2014, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') Amendment No. 2 to its previously submitted proposed rule change related to proposed enhancements to its risk model for broad-based index credit default swap (''CDS'') products.[3] Amendment No. 2 is intended to describe CME's proposed CDS specific risk model framework applicable only to broad-based index CDS and also provide further description and detail of certain aspects of the proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by CME (the ''CDS Risk Model Filing Amendment'').[4] The Commission is publishing this notice to solicit comments on the CDS Risk Model Filing Amendment from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On August 8, 2014, CME submitted to the Commission the CDS Risk Model Filing pursuant to which CME proposes to enhance its risk model for CDS (the ''CDS Risk Model'' and such enhanced model, the ''Proposed CDS Risk Model'') to enable CME to offer clearing of additional CDS instruments.[5] The CDS Risk Model Filing is currently pending regulatory approval by the Commission. The purpose of the CDS Risk Model Filing Amendment is to propose the adoption of a CDS specific risk model framework applicable only to broad-based index CDS (the ''CME CDS Risk Model Framework'') and also provide further description and detail of certain aspects of the Proposed CDS Risk Model contained within the CDS Risk Model Filing. The CDS Risk Model Filing Amendment should be read in conjunction with the CDS Risk Model Filing. All capitalized terms not defined herein shall have the meaning given to them in the CDS Risk Model Filing.

The text of the proposed amendment is also available at the CME's Web site at *http://www.cmegroup.com,* at the principal office of CME, and at the Commission's Public Reference Room.

II. Self-Regulatory Organizations Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME included statements concerning the purpose and basis for the proposed amendment and discussed any comments it received on the proposed amendment. The text of these statements may be examined at the places specified in Item IV below. CME has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Pursuant to this CDS Risk Model Filing Amendment, CME proposes to adopt a CME CDS Risk Model Framework for broad-based index CDS and also intends to provide further description and detail of certain aspects of the Proposed CDS Risk Model described in the CDS Risk Model Filing as further discussed below. CME also proposes to make changes to the Manual of Operations for CME Cleared Credit Default Swaps (the ''CDS Manual'') in connection with the proposed CME CDS Risk Model Framework.

1. CME CDS Risk Model Framework

In connection with the adoption of the Proposed CDS Risk Model, CME also proposes to adopt the CME CDS Risk Model Framework. The proposed CME CDS Risk Model Framework would apply only to broad-based index CDS products cleared by CME and would not apply to security-based swaps. CME will file a proposed rule change with the SEC in the future to implement any proposed CDS risk model applicable to the clearing of security-based swaps. The proposed CME CDS Risk Model Framework contains the details of the Proposed CDS Risk Model and existing policies relating to governance, back testing and stress testing for CDS products.

1.1 Governance

The proposed CME CDS Risk Model Framework would be governed by the CDS Risk Committee, the Stress Testing Committee and senior risk management of CME. CDS Risk Committee approval is required for all material changes to the CDS Risk Model Framework, CDS stress testing framework, and CDS back-testing framework. Any changes to the parameters of the CDS Margin Model or CDS stress tests are approved by the Stress Testing Committee or a senior member of the Stress Testing Committee.

1.2 CDS Risk Model Framework for Cleared CDS

The proposed CME CDS Risk Model Framework includes CME's proposed enhancements to the CDS Risk Model for CDS as set forth in the CDS Risk Model Filing. In addition, CME notes that the Post Credit Risk Requirement within the Proposed CDS Risk Model is the same as the post-default charge in the current CDS Risk Model, but also applies to additional credit events such

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[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 34–72834 (Aug. 13, 2014), 79 FR 48805 (Aug. 18, 2014) (SR–CME–2014–28) (hereinafter referred to as the ''CDS Risk Model Filing'').

[4] On August 18, 2014, CME filed Amendment No. 1 to the proposed rule change. CME withdrew Amendment No. 1 on August 29, 2014.

[5] *See supra* note 3.

as restructuring and governmental intervention. CME addresses the risk of any CDS position referencing an entity, which has experienced a credit event as determined by the CDS contract definitions, through the post credit event risk requirement.

1.3 CDS Back-Testing

The proposed CME CDS Risk Model Framework details CME's existing back testing practices for the CDS contracts it clears. CME maintains a back-testing methodology for monitoring and testing the adequacy of its margin and/or stress requirements for CDS portfolios. CME performs back-testing on actual and hypothetical portfolios. CME performs daily performance bond coverage back-testing and any breaches are escalated to senior risk management. CME also conducts ad-hoc and event driven back-testing on an as needed basis. Back-testing results are reviewed by the Stress Testing Committee and can result in changes to model parameters or data calibration.

1.4 CDS Stress Testing

The proposed CME CDS Risk Model Framework details CME's existing stress testing practices for cleared CDS. CME performs stress testing at least daily and on an ad-hoc basis as appropriate. A stressed extension of the margin model is used to size the CDS Guaranty Fund and CDS Assessments to reflect the necessary financial safeguards under extreme but plausible market conditions. As discussed in the CDS Risk Model Filing, the stress model addresses self-referencing risk arising from contracts that include component transactions for which the reference entity is a clearing member or one of its affiliates. CME also performs reverse stress testing to identify hypothetical market conditions and stress events which might result in depletion of CME's funded and/or unfunded financial resources for CDS Clearing. CME performs sensitivity analysis on exposures of clearing member portfolios to changes in a representative set of material risk model parameters. Stress testing results are reviewed by the stress testing committee.

Post implementation of the Proposed CDS Risk Model, CME's financial resources for CDS (inclusive of performance bond, CME's corporate contribution for CDS, CDS Guaranty Fund and CDS SR Deposits) would continue to enable CME to maintain sufficient financial resources to withstand a default by the two CDS Clearing Member families to which it has the largest exposures in extreme but plausible market conditions as required by Rule 17Ad–22(b)(3).[6]

2. CDS Manual of Operations

In connection with the implementation of the proposed CME CDS Risk Model Framework, CME is deleting Chapters 7 (CDS Margining) and 10 (CDS Guaranty Fund Calculation) in the CDS Manual which relate to outdated aspects of the CDS Risk Model.

(2) Statutory Basis

CME believes the Proposed CDS Risk Model, proposed CME CDS Risk Model Framework and the proposed changes to the CDS Manual are consistent with the requirements of the Exchange Act, including Section 17A of the Exchange Act[7] and the applicable regulations thereunder. The Proposed CDS Risk Model, proposed CME CDS Risk Model Framework and the proposed changes to the CDS Manual are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[8]

The Proposed CDS Risk Model, proposed CME CDS Risk Model Framework and the proposed changes to the CDS Manual accomplish these objectives because they are intended to more accurately capture different sources of risk through a holistic and theoretically coherent scenario-based approach that is driven by conservative statistical assumptions, which in turn allows CME to appropriately cover the risk of a wide range of theoretical and production portfolios under extreme but plausible market conditions and in historical back testing, going back to 2008. In particular, the Proposed CDS Risk Model, proposed CME CDS Risk Model Framework and the proposed changes to the CDS Manual will enhance CME's margin methodology by more accurately addressing F/X risk and self-referencing risk presented by clearing index CDS contracts.

CME will also promote the efficient use of margin for the clearinghouse and its Clearing Members and their customers, by enabling CME to provide appropriate portfolio margining treatment between index and single-name CDS positions and as such contribute to the safeguarding of securities and funds in CME's custody or control or for which CME is responsible and the protection of investors.[9]

CME also believes the Proposed CDS Risk Model, proposed CME CDS Risk Model Framework and the proposed changes to the CDS Manual are consistent with the requirements of 17Ad–22 of the Exchange Act.[10] In particular, in terms of financial resources, CME believes that the Proposed CDS Risk Model, proposed CME CDS Risk Model Framework and the proposed changes to the CDS Manual will continue to ensure sufficient margin to cover its credit exposure to its clearing members, consistent with the requirements of Rule 17Ad–22(b)(2)[11] and Rule 17Ad–22(d)(14)[12] and that the CDS Guaranty Fund contributions and required margin, both as modified by the proposed rule change, will provide sufficient financial resources to withstand a default by the two participant families to which it has the largest exposures in extreme but plausible market conditions consistent with the requirements of Rule 17Ad–22(b)(3).[13] In addition, CME believes that the Proposed CDS Risk Model, proposed CME CDS Risk Model Framework and the proposed changes to the CDS Manual are consistent with CME's requirement to limit its exposures to potential losses from defaults by its participants under normal market conditions pursuant to 17Ad–22(b)(1).[14] CME also believes that the Proposed CDS Risk Model, proposed CME CDS Risk Model Framework and the proposed changes to the CDS Manual will continue to allow for it to take timely action to contain losses and liquidity pressures and to continue meeting its obligations in the event of clearing member insolvencies or defaults, in accordance with Rule 17Ad–22(d)(11).[15]

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the Proposed CDS Risk Model, proposed CME CDS Risk Model Framework and the proposed changes to the CDS Manual will have any impact, or impose

[6] 17 CFR 240.17Ad–22(b)(3).

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] *Id.*

[10] 17 CFR 240.17Ad–22.

[11] 17 CFR 240.17Ad–22(b)(2).

[12] 17 CFR 240.17Ad–22(d)(14).

[13] 17 CFR 240.17Ad–22(b)(3).

[14] 17 CFR 240.17Ad–22(b)(1).

[15] 17 CFR 240.17Ad–22(d)(11).

any burden, on competition. The Proposed CDS Risk Model and proposed CME CDS Risk Model Framework reflect enhancements to CME's CDS Risk Model. CME does not believe that any increase in margin or CDS Guaranty Fund contributions, would significantly affect the ability of Clearing Members or other market participants to continue to clear CDS, consistent with the risk management requirements of CME, or otherwise limit market participants' choices for selecting clearing services. For the foregoing reasons, the Proposed CDS Risk Model, proposed CME CDS Risk Model Framework and the proposed changes to the CDS Manual do not, in CME's view, impose any unnecessary or inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the CDS Risk Model Filing Amendment have not been solicited or received. CME will notify the Commission of any written comments received by CME.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of notice of the CDS Risk Model Filing [16] in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CME–2014–28 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC, 20549–1090.

All submissions should refer to File Number SR–CME–2014–28. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours or 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CME–2014–28 and should be submitted on or before September 18, 2014.[17]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–21251 Filed 9–5–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72956; File No. SR–MSRB–2014–07]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of a Proposed Rule Change Consisting of Rule G–18, on Best Execution of Transactions in Municipal Securities, and Amendments to Rule G–48, on Transactions With Sophisticated Municipal Market Professionals (''SMMP''), and Rule D–15, on the Definition of SMMP

September 2, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 20, 2014, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSRB is filing with the Commission a proposed rule change consisting of Rule G–18, on best execution of transactions in municipal securities, and amendments to Rule G–48,[3] on transactions with sophisticated municipal market professionals (''SMMPs''), and Rule D–15, on the definition of SMMP (the ''proposed rule change''). The MSRB requests that the proposed rule change be approved with an implementation date one year after the Commission approval date.

The text of the proposed rule change is available on the MSRB's Web site at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2014-Filings.aspx,* at the MSRB's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the MSRB included statements concerning

[16] *See supra* note 3.

[17] The Commission believes that a 10-day comment period is reasonable, given the nature and content of the amendment. It will provide adequate time for comment.

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR § 240.19b–4.

[3] The MSRB recently received approval from the Commission to adopt new Rule G–48, which became effective July 5, 2014. *See* MSRB Notice 2014–07 (Mar. 12, 2014).

the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The MSRB has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The MSRB is charged by Congress to protect investors and foster a free and open municipal securities market. The MSRB, consistent with that charge, has advanced a number of initiatives to improve the transparency, efficiency and structure of the municipal securities market. In alignment with these efforts, the MSRB believes that the establishment of a requirement that dealers seek best execution of retail customer transactions in municipal securities will have benefits for investors, promote fair competition among dealers and improve market efficiency.

As generally understood, best-execution obligations and fair-pricing obligations are closely related but distinct. MSRB Rule G–30 (Prices and Commissions) [4] generally requires brokers, dealers and municipal securities dealers (''dealers'') to trade with customers at fair and reasonable prices and to exercise diligence in establishing the market value of municipal securities and the reasonableness of their compensation.[5] A best-execution standard generally requires broker-dealers to use reasonable diligence to ascertain the best market for the subject security and to buy or sell in that market so that the resultant price to the customer is as favorable as possible under prevailing market conditions. While Rule G–30 contains substantive pricing standards, under which dealers must (among other things) use reasonable diligence in determining a security's fair market value,[6] a best-execution standard is an order-handling and transaction-execution standard, under which the goal of the dealer's reasonable diligence would be to ascertain, among the variety of venues where the municipal security may be executed, the best market for the security.[7]

In March 2012, the MSRB noted (in connection with a rulemaking initiative related to brokers' brokers) that, while its pricing rules require dealers to obtain prices for their customers that are fair and reasonable, those rules do not address all dealer conduct that would be regulated by an explicit best-execution rule.[8] The MSRB stated at that time that it would consider this issue in connection with its ongoing review of its rules.[9]

Shortly thereafter, in July 2012, the Commission issued its *Report on the Municipal Securities Market* (the ''SEC Report'').[10] The SEC Report contained a number of recommendations that the Commission concluded should be considered for improvement of the municipal securities market, including possible legislative reforms by Congress, possible steps to be taken by the Commission itself, possible voluntary initiatives by market participants and possible measures to be considered by the MSRB. Some of those measures were ways in which the MSRB could buttress existing pricing standards, including establishing a best-execution obligation and providing guidance to dealers on how best-execution concepts would be applied to municipal securities transactions.[11] The SEC Report focused to a large extent on the circumstances of retail investors in the municipal securities market and the possible measures that could benefit them, including the facilitation of ''the best execution of retail customer orders.'' [12]

In April 2013, the Commission hosted a roundtable on fixed income markets, in which various market participants, academics and the MSRB participated.[13] The roundtable generated important and useful dialogue about the potential application of best-execution concepts to the municipal securities market.[14]

In August 2013, the MSRB published a Concept Proposal on best execution, requesting comment on whether and how a new MSRB rule should apply best-execution concepts to the municipal securities market.[15] The Concept Proposal specifically raised the issue of whether a best-execution requirement would effectively buttress existing MSRB fair-pricing obligations. In addition, the MSRB observed that, although the Financial Industry Regulatory Authority's (''FINRA'') best-execution rule, FINRA Rule 5310 (Best Execution and Interpositioning), applies to non-municipal fixed income securities,[16] there are certain concepts and requirements in FINRA Rule 5310 that appeared to be more applicable to transactions in equity securities, particularly those that are a part of the electronically interconnected national market system.

Many commenters [17] supported the development of an explicit best-

[4] The MSRB recently received approval from the Commission to consolidate and codify former MSRB Rules G–18 and G–30 into a single pricing rule, Rule G–30, which changes became effective July 7, 2014. *See* MSRB Notice 2014–11 (May 12, 2014).

[5] Rule G–30(a), on principal transactions, provides: ''No broker, dealer or municipal securities dealer shall purchase municipal securities for its own account from a customer, or sell municipal securities for its own account to a customer, except at an aggregate price (including any mark-up or mark-down) that is fair and reasonable.'' Rule G–30(b), on agency transactions, provides: ''Each broker, dealer and municipal securities dealer, when executing a transaction in municipal securities for or on behalf of a customer as agent, shall make a reasonable effort to obtain a price for the customer that is fair and reasonable in relation to prevailing market conditions'' and ''No broker, dealer or municipal securities dealer shall purchase or sell municipal securities as agent for a customer for a commission or service charge in excess of a fair and reasonable amount.''

[6] *See* MSRB Interpretive Notice, ''Review of Dealer Pricing Responsibilities'' (Jan. 26, 2004); MSRB Interpretive Notice, ''Interpretive Notice on Commissions and Other Charges, Advertisements and Official Statements Relating to Municipal Fund Securities'' (Dec. 19, 2001); MSRB Interpretive Notice, ''Report on Pricing'' (Sept. 1980). *See also* SEC Report on the Municipal Securities Markets at 149 and n.835 (Jul. 31, 2012) (''SEC Report''), available at *http://www.sec.gov/reportspubs/studies/munireport073112.pdf.*

[7] *See* SEC Report at 149.

[8] *See* ''Notice of Filing of Proposed Rule G–43, on Broker's Brokers; Proposed Amendments to Rule G–8, on Books and Records, Rule G–9, on Record Retention, and Rule G–18, on Execution of Transactions; and a Proposed Interpretive Notice on the Duties of Dealers that Use the Services of Broker's Brokers,'' Exchange Act Release No. 66625, 77 FR 17548 (Mar. 26, 2012), File No. SR–MSRB–2012–04, at pp. 29–30 (Mar. 20, 2012), available at *http://www.sec.gov/rules/sro/msrb/2012/34-66625.pdf.*

[9] *See id.*

[10] *See* SEC Report.

[11] *Id.* at 149–50.

[12] *Id.* at ix; *see generally id.*

[13] Roundtable on Fixed Income Markets, Securities and Exchange Commission, April 16, 2013; *http://www.sec.gov/news/otherwebcasts/2013/fixed-income-roundtable-041613.shtml.*

[14] *See id.* Tr. pp. 209–19.

[15] Request for Comment on Whether to Require Dealers to Adopt a ''Best Execution'' Standard for Municipal Securities Transactions, MSRB Notice 2013–16 (Aug. 6, 2013) (the ''Concept Proposal'').

[16] Under FINRA Rule 0150 (Application of Rules to Exempted Securities Except Municipal Securities), FINRA rules do not apply to transactions in, and business activities relating to, municipal securities. Accordingly, FINRA Rule 5310 on best execution does not apply to the municipal securities market.

[17] The MSRB received eleven comment letters. Comments were received from Ambassador Financial Group: Email from Allen Collins dated August 8, 2013 (''Ambassador''); Barclays Capital Inc.: Letter from Jennifer Small, Municipal Compliance, dated October 7, 2013 (''Barclays''); Bond Dealers of America: Letter from Michael Nicholas, Chief Executive Officer, dated October 7, 2013 (''BDA''); Chris Melton: Letter dated September 26, 2013 (''Melton''); Financial Services Institute: Letter from David T. Bellaire, Executive Vice President and General Counsel, dated October 4, 2013 (''Financial Services Institute''); Interactive Data Corporation: Letter from Mark Hepsworth, President, dated October 7, 2013 (''IDC'');

Continued

execution standard for the municipal securities market, and several major themes emerged from the comments. Commenters expressed a view that any best-execution rule should focus on the order-handling process. In addition, there was a general consensus against requiring a minimum number of quotations to support a determination of the prevailing market price, a general view regarding the importance of dealer inventories in providing liquidity, and a view that any best-execution rule should not favor any one execution venue over another.

The MSRB carefully considered all of the comments received in response to the publication of the Concept Proposal, and determined to publish a request for comment on a draft best-execution rule, including an exception for transactions with SMMPs.[18] The draft rule changes incorporated the feedback received on the Concept Proposal, as appropriate. The MSRB received ten comment letters, in response to the Request for Comment, on draft Rule G–18 and the draft amendments to Rule G–48.[19] After carefully considering all of the comments received in response to the Concept Proposal and the Request for Comment, the MSRB determined to file this proposed rule change to adopt an explicit best-execution rule for transactions in municipal securities.

The proposed rule change reflects the MSRB's belief that a best-execution rule should be generally harmonized with FINRA Rule 5310 for purposes of regulatory efficiency but appropriately tailored to the characteristics of the municipal securities market. The MSRB also believes that, unlike FINRA Rule 5310, it is appropriate to provide an exception from the requirements of the best-execution rule for all transactions with SMMPs, which can only be institutional investors or individual investors with assets of at least $50 million.[20] The proposed best-execution requirement generally would target the process by which dealers handle orders and execute transactions, and would complement and buttress the MSRB's existing fair-pricing rules, as further described below under ''Summary of the Proposed Rule Change'' and under ''Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.''

The MSRB requests that the proposed rule change be approved with an implementation date one year after the Commission approval date.[21] This would allow dealers sufficient time to develop or modify their policies and procedures and to acquire or adjust the level of their resources as necessary. It also would allow time for the MSRB to create educational materials and conduct outreach to the dealer community, as appropriate, regarding the new rules.

Proposed Rule G–18

Proposed Rule G–18 generally would require dealers to use reasonable diligence in seeking to obtain for their customer transactions the most favorable terms available under prevailing market conditions. Under proposed Rule G–18, dealers would be required to use reasonable diligence to ascertain the best market for the subject security and buy or sell in that market so that the resultant price to the customer is as favorable as possible under prevailing market conditions.

Proposed Rule G–18 includes rule language and supplementary material designed to tailor best-execution obligations to the characteristics of the municipal securities market and to provide guidance on how best-execution concepts apply to municipal securities transactions. This tailoring includes accommodations for: Situations involving less availability of quotations and relevant pricing information, the role of broker's brokers in providing liquidity, the role of dealers' inventories in providing liquidity, the variance in the nature of dealers' municipal securities business, and the lack of standardized and publicly reported statistical data regarding the quality of executions of municipal securities transactions. Proposed Rule G–18 gives due consideration to the existing market structure and other current realities of the municipal securities market; however, it is designed to be sufficiently flexible to allow for the evolution of the market's structure and future developments in applied technology.

Paragraph (a) of proposed Rule G–18 is the core provision of the rule which would require dealers to use reasonable diligence to ascertain the best market for the subject security and to buy or sell in that market so that the resultant price to the customer is as favorable as possible under prevailing market conditions. Paragraph (a) includes a non-exhaustive list of factors that a dealer must consider when exercising this diligence. The factors that must be considered are: The character of the market for the security, the size and type of transaction, the number of markets checked, the information reviewed to determine the current market for the subject security or similar securities, the accessibility of quotations, and the terms and conditions of the customer's inquiry or order.

Paragraph (a) includes a factor that is not listed in the FINRA rule—''information reviewed to determine the current market for the subject security or similar securities.'' This factor helps guide the use of reasonable diligence when, for example, there are no available quotations for a security. Moreover, this factor takes into account that dealers may use information about similar securities and other reasonably relevant information.

Paragraph (b) of proposed Rule G–18 prohibits a dealer from interjecting a third party between itself and the best market for the security in a manner inconsistent with paragraph (a), a practice known as ''interpositioning.'' Historically, in non-municipal securities transactions, a dealer was required to demonstrate that the use of a third party reduced the costs of the transaction to the customer. Over time, however, that standard came to be seen as overbroad. Consequently, under the current FINRA rule, the use of a third party is allowed so long as it is not detrimental to the customer.[22] Consistent with this current

Investment Company Institute: Letter from Tamara K. Salmon, Senior Associate Counsel, dated September 20, 2013 (''ICI''); J.J.B. Hilliard, W.L. Lyons LLC: Email from Alex Rorke, Director, Public Finance, dated October 4, 2013 (''Hilliard''); Private Investor: Email from Private Investor dated September 2, 2013 (''Investor''); Securities Industry and Financial Markets Association: Letter from David L. Cohen, Managing Director and Associate General Counsel, dated October 7, 2013 (''SIFMA''); and Wells Fargo Advisors, LLC: Letter from Robert J. McCarthy, Director of Regulatory Policy, dated October 7, 2013 (''Wells Fargo'').

[18] *See* MSRB Notice 2014–02 (Feb. 19, 2014) (''Request for Comment'').

[19] *See infra* n. 27.

[20] New MSRB Rule D–15, like the former relevant interpretive guidance under Rule G–17, defines the term ''sophisticated municipal market professional'' to potentially include a customer of a dealer that is a bank, savings and loan association, insurance company, or registered investment company; an investment adviser registered with the Commission under Section 203 of the Investment Advisers Act of 1940 or with a state securities commission (or any agency or office performing like functions); or any other entity or person with total assets of at least $50 million. Rule D–15 became effective July 5, 2014. *See* MSRB Notice 2014–07 (Mar. 12, 2014).

[21] Specifically, the MSRB intends that the proposed rule change become effective for trades having a trade date and time on or after 12:01 a.m. on the first business day occurring one year after the Commission approval date.

[22] In approving provisions contained in the precursor to the current FINRA rule, the Commission noted that ''the cost to the customer under the proposed rule will 'remain a crucial factor in determining whether a member has fulfilled its best execution obligations under [the rule],' including transactions involving interposed third parties.'' *See* Exchange Act Release No. 60635 (Sept. 8, 2009), 74 FR 47302 (Sept. 15, 2009) at 47303, File No. SR–FINRA–2007–024 (Nov. 27, 2007). The Commission also noted that interpositioning ''that is unnecessary or violates a

policy, and in light of the role of broker's brokers in the municipal securities market in providing liquidity, paragraph (b) would not prohibit the use of a broker's broker, unless it was inconsistent with the best-execution obligation in paragraph (a).

Also in light of the role of broker's brokers in the municipal securities market, proposed Rule G–18 does not include a provision like that in FINRA Rule 5310(b), which requires dealers to show why it was reasonable to use a broker's broker.[23] In this way, the proposed rule is consistent with the MSRB's objective, supported by commenters on the Concept Proposal, of developing a principles-based rule that does not favor any particular venue over another (on bases beyond the merits of the execution quality available at any venue). Moreover, broker's brokers in the municipal securities market must comply with MSRB Rule G–43 (Broker's Brokers), which serves to address investor-protection issues without additional requirements being imposed by proposed Rule G–18.

Paragraph (c) of proposed Rule G–18 specifies that the rule applies to both principal and agency transactions. It also specifies that best-execution obligations are distinct from certain pricing obligations of dealers under Rule G–30.

Paragraph .01 of the Supplementary Material indicates that Rule G–18 is not intended to be a substantive pricing standard but an order-handling standard for the execution of transactions. The paragraph explains that the principal purpose of proposed Rule G–18 is to promote dealers' use of reasonable diligence in obtaining the best price for customers under prevailing market conditions. This is generally accomplished through the requirements to use, and periodically improve, sound procedures. The paragraph expressly provides that, as characteristic of any reasonableness standard, a failure to have actually obtained the most favorable price possible will not necessarily mean that the dealer failed to use reasonable diligence under the circumstances. Note that existing Rule G–27, on supervision, would require written supervisory procedures reasonably designed to ensure compliance with the proposed best-execution rule, if adopted.

Paragraph .02 of the Supplementary Material provides, like FINRA Rule 5310(c), that a dealer's failure to maintain adequate resources (*e.g.,* staff or technology) cannot justify executing away from the best available market. This paragraph, however, includes an acknowledgement that the level of adequate resources may differ based on the nature of a dealer's municipal securities business, including its level of sales and trading activity.

Paragraph .03 of the Supplementary Material provides that dealers must make every effort to execute customer transactions promptly, taking into account prevailing market conditions. In addition, this paragraph recognizes that in certain market conditions, a dealer may need more time to use reasonable diligence to ascertain the best market for the subject security.

Paragraph .04 of the Supplementary Material defines the term ''market'' for purposes of proposed Rule G–18, including the rule's core provision, section (a), requiring the exercise of reasonable diligence in ascertaining the ''best market'' for the security. The definition specifically includes ''alternative trading systems or platforms,'' ''broker's brokers,'' and ''other counterparties, which may include the dealer itself as principal.'' The purpose of this language is to tailor the definition of the critical term ''market'' to the characteristics of the municipal securities market and to provide flexibility for future developments in both market structure and applied technology. For example, the language expressly recognizes that the executing dealer itself, acting in a principal capacity, may be the best market for the security.[24] This tailoring is in recognition of the role of dealer inventories in providing liquidity in the municipal market.

Paragraph .05 of the Supplementary Material is intended to avoid the imposition of redundant or unnecessary obligations on a dealer involved in a transaction when another dealer appropriately bears best-execution obligations. The paragraph provides that a dealer's duty to provide best execution to customer orders received from another dealer arises only when an order is routed from the other dealer to the dealer for handling and execution. The best-execution obligation does not apply to a dealer when another dealer is simply executing a customer transaction against that dealer's quote.

Paragraph .06 of the Supplementary Material addresses transactions involving securities for which there is limited pricing information or quotations. It requires each dealer to have written policies and procedures that address how its best-execution determinations will be made for such securities, and to document its compliance with those policies and procedures. The paragraph states that a dealer generally should seek out other sources of pricing information and potential liquidity, including other dealers the dealer previously has traded within the security. The paragraph also states that a dealer generally should analyze other relevant data to which it reasonably has access.

Paragraph .07 of the Supplementary Material would allow a customer to designate a particular market for the execution of the customer's transaction. The paragraph provides that, if a dealer receives an unsolicited instruction so designating a particular market, the dealer is not required to make a best-execution determination beyond the customer's specific instruction. A blanket customer instruction obtained through means like account-opening documents would not qualify as an ''unsolicited'' instruction. The paragraph also provides that, even in the case of a customer's specific instruction, dealers are still required to process the customer's transaction promptly and in accordance with the terms of the customer's bid or offer.

Paragraph .08 of the Supplementary Material specifies dealers' minimum obligations concerning the periodic review of their policies and procedures for ascertaining the best market. This paragraph is a departure from the FINRA rule's requirement that dealers engage in ''regular and rigorous review'' of execution quality, on at least a quarterly basis, assessing any material differences among markets based on a highly detailed list of factors. Dealers in municipal securities currently do not have access to data similar to that used by broker-dealers in other contexts and the MSRB has modified the proposed review requirement accordingly.

The proposed rule reflects the broad principle that a dealer's policies and procedures must be reasonably designed to achieve best execution. The MSRB believes that proposed Rule G–18 will result in improved dealer policies and procedures and allow for the future evolution of the market by requiring dealers' reviews to take account of: The

member's general best execution obligations—either because of unnecessary costs to the customer or improperly delayed executions—would still be prohibited.'' *Id.*

[23] FINRA Rule 5310(b) provides: ''When a member cannot execute directly with a market but must employ a broker's broker or some other means in order to ensure an execution advantageous to the customer, the burden of showing the acceptable circumstances for doing so is on the member.''

[24] FINRA Rule 5310 also allows the dealer acting in a principal capacity to be the ''best market,'' but does not have express language to that effect. Paragraph .09 of the Supplementary Material of the FINRA rule, in discussing the requirements to review execution quality, contemplates a firm's ''internalization'' of customer orders.

quality of the executions the dealer is obtaining under its current policies and procedures, changes in market structure, new entrants, the availability of additional pre-trade and post-trade data and the availability of new technologies. Proposed Rule G–18 would not require in all cases that dealers conduct reviews on at least a quarterly basis (as required by FINRA Rule 5310). It instead would require the frequency of reviews to be at least annual and reasonably related to the nature of the dealer's business, including its level of sales and trading activity. Under this standard, smaller dealers that handle customer transactions in municipal securities infrequently might not, depending on all of the facts and circumstances, be required to conduct reviews of their policies and procedures as frequently as dealers with a more active municipal securities business. Note that existing Rule G–27(f)(i), on supervisory controls, requires at least annual testing, verification and revision of all written supervisory procedures to determine whether they are reasonably designed to achieve compliance with applicable securities laws, including all other applicable MSRB rules.

Paragraph .09 of the Supplementary Material would exempt transactions in municipal fund securities, including interests in 529 college savings plans, from the application of proposed Rule G–18. Such securities are typically distributed through continuous primary offerings at calculated prices (based on the calculated net asset value of the investment portfolio on the day of the contribution), and the decision whether to purchase involves special tax and other considerations unique to such securities, making the application of proposed Rule G–18 inapt.

Proposed Amendments to Rule G–48

The proposed amendments to Rule G–48 would provide that the best-execution obligations under proposed Rule G–18 do not apply to transactions with customers that are SMMPs as defined in Rule D–15. Rule G–48 is the new consolidated MSRB rule under which all modified obligations of dealers when dealing with SMMPs are addressed. It provides for a reduced time-of-trade disclosure obligation under Rule G–47, a reduced suitability obligation under Rule G–19, reduced obligations with respect to the dissemination of quotations under Rule G–13, and a reduced pricing obligation under Rule G–30. With respect to pricing, specifically, Rule G–48(b) relieves dealers of their obligation under Rule G–30 to ensure on a transaction-by-transaction basis that prices are fair and reasonable for non-recommended secondary market agency transactions where: the dealer's services are explicitly limited to providing anonymity, communication, order matching and/or clearance functions. The proposed amendments would add a new section (e) to Rule G–48 to provide that a dealer shall not have any obligations under Rule G–18 to use reasonable diligence to ascertain the best market for the subject security and buy or sell in that market so that the resultant price to the SMMP is as favorable as possible under prevailing market conditions.

Proposed Amendments to Rule D–15

Rule D–15 contains the MSRB's definition of an SMMP. The proposed amendments to Rule D–15 would help ensure that the exemption for dealer's from the best-execution obligation for transactions with SMMPs would only apply to appropriate customers. To qualify as an SMMP under existing Rule D–15, the customer must affirm that it is exercising independent judgment in evaluating the recommendations of the dealer. Under existing paragraph .02 of the Supplementary Material to Rule D–15, the affirmation may be given orally or in writing, and may be given on a transaction-by-transaction basis, a type-of-municipal security basis, or an account-wide basis. The affirmation requirement is significant because of the elimination under existing Rule G–48(c) of the dealer's obligation under Rule G–19 to make a customer-specific suitability determination for its recommendations when dealing with an SMMP. The proposed amendments to Rule D–15 would create additional elements for the required customer affirmation—one element related to best execution and, consistent with that addition, two elements related to two of the other modified obligations when dealing with an SMMP.

First, significant for the purposes of the elimination, under the proposed new section (e) in Rule G–48, of a best-execution obligation for transactions with SMMPs, the customer would be required to affirm that it is exercising independent judgment in evaluating the quality of execution of the customer's transactions by the dealer.

Second, significant for the elimination, under existing Rule G–48(b), of the dealer obligation to ensure on a transaction-by-transaction basis that prices are fair and reasonable in a specified subset of transactions with SMMPs, the customer would be required to affirm that it is exercising independent judgment in evaluating the transaction price in that subset of transactions. The specified transactions are non-recommended agency secondary market transactions where the dealer's services are explicitly limited to providing anonymity, communication, order matching and/or clearance functions and the dealer does not exercise discretion as to how or when the transactions are executed.

Third, significant for the elimination, under existing Rule G–48(a), of the dealer obligation to make time-of-trade disclosure under Rule G–47 of all material information about the security available publicly from established industry sources, the customer would be required to affirm that it has timely access to ''material information'' available publicly from ''established industry sources'' as those terms are defined in Rule G–47(b)(i) and (ii).

Consistent with these changes, paragraph .02 of the Supplementary Material to Rule D–15 would be revised to provide that the customer affirmation may be made on, in addition to the existing bases, a type-of-transaction basis. The ability to make the affirmation on such a basis would become relevant due to the creation of an exemption from the proposed best-execution rule for transactions with SMMPs. The proposed amendments to Rule D–15 also include non-substantive (*e.g.,* technical, conforming and organizational) revisions to accommodate the above substantive changes and improve the readability of the rule.

Importantly, the definition of SMMP under the proposed revisions to the rule (as under the existing rule) is not self-executing, nor are the contingencies for its application in the unilateral control of the interfacing dealer. Rather, classification as an SMMP would require a particular affirmation by the SMMP.[25] Consequently, any customer that preferred to have its transactions be subject to the best-execution regulatory framework, even if the customer otherwise would qualify as an SMMP, could simply not make the requisite affirmation and not bring itself within the definition of an SMMP. The same would be true for a customer that preferred to have the dealer be subject to any of the other obligations that would otherwise be modified under Rule G–48. Due to the proposed implementation date of the proposed rule change, a dealer could not treat any customer as an SMMP after the proposed best-execution rule is implemented unless the dealer reasonably determined (as required by Rule G–48) that the customer had given

[25] *See* MSRB Rule D–15.

the broader affirmation required under the proposed amendments to Rule D–15.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with Section 15B(b)(2)(C) of the Act,[26] which provides that the MSRB's rules shall:

be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

The MSRB believes that the establishment of a requirement that dealers seek best execution of customer transactions in municipal securities will have benefits for investors, promote fair competition among dealers and improve market efficiency.

The MSRB believes that proposed Rule G–18 will protect investors, particularly retail investors, in many ways. The proposed rule would require dealers to use reasonable diligence in seeking to obtain for their customer transactions the most favorable terms available. Specifically, under proposed Rule G–18, dealers would be required to use reasonable diligence to ascertain the best market for the subject security and buy and sell in that market so that the resultant price to the customer is as favorable as possible under prevailing market conditions. This would be accomplished through the proposed rule's general requirements of the use of, and periodic improvement of, sound procedures for the handling of orders and execution of transactions. Whether a dealer would be viewed as having used reasonable diligence would depend in part upon a non-exhaustive list of relevant factors. The MSRB believes that these new order-handling obligations will buttress and complement the MSRB's substantive pricing standards and foster compliance with those standards, helping to ensure that investors receive fair and reasonable prices and to improve execution quality for investors in municipal securities.

The proposed rule would also make it a violation for a dealer to interject a third party between itself and the best market for the security but would allow the use of a third party so long as it is not inconsistent with the proposed best-execution obligations. The proposed rule would allow for a dealer to use a broker's broker while retaining sufficient protections for investors because broker's brokers, and dealers who use broker's brokers, are required to comply with the substantial investor-protection provisions of Rule G–43. Proposed Rule G–18 would provide that dealers must make every effort to execute customer transactions promptly, taking into account prevailing market conditions. Finally, the proposed rule would allow a customer to specifically designate a particular market for the execution of a transaction, and such an instruction would relieve the dealer from making a best-execution determination beyond the customer's unsolicited specific instruction. In addition, the MSRB believes that the proposed amendments to Rule D–15 will protect investors by helping to ensure that the exemption for dealers from the best-execution obligation for transactions with SMMPs (as well as the reduced dealer obligations related to time-of-trade disclosure and pricing) will only apply to transactions with sufficiently sophisticated customers.

The MSRB believes that proposed Rule G–18 will promote fair competition among dealers and improve market efficiency. It would provide that a dealer's duty to provide best execution to customer orders received from another dealer arises only when an order is routed from the other dealer to the dealer for handling and execution. The best-execution obligation would not apply to a dealer when another dealer is simply executing a customer transaction against that dealer's quote. In the case of transactions involving securities for which there is limited pricing information or quotations, the rule would provide that a dealer generally should seek out other sources of pricing information and potential liquidity, including other dealers the dealer previously has traded within the security. The number-of-markets-checked factor of the proposed rule would promote dealers' exposure of quotations to fair competition among dealers (including broker's brokers), alternative trading systems and platforms and any other venues that may emerge. Because the proposed rule does not favor any particular venue over another, the MSRB believes it will support a free and open market in municipal securities. Also, the proposed rule's definition of ''market'' would be sufficiently flexible to accommodate future developments in market structure and technology. In addition, because the definition of ''market'' in the proposed rule would expressly recognize that the executing dealer itself acting as principal may be the best market for the security, a dealer's inventory could be utilized for sales of municipal securities to that dealer's customers, in recognition of the role of dealer inventories in providing needed liquidity to investors in the municipal market.

The MSRB believes that the proposed amendments to Rule G–48 and Rule D–15 to effectuate the exemption for transactions with SMMPs will facilitate transactions in municipal securities and help perfect the mechanism of a free and open market in municipal securities by avoiding the imposition of regulatory burdens where they appear not to be needed. The MSRB currently understands that SMMPs typically have as much (and in some cases more) information regarding the different venues at which a transaction in a municipal security might be executed as most individual dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15B(b)(2)(C) of the Act requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In determining whether this standard has been met, the MSRB has been guided by the Board's recently-adopted policy to more formally integrate economic analysis into the rulemaking process. The Board has evaluated the potential impacts of the proposed rule change, including in comparison with alternative regulatory approaches.

The MSRB does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The MSRB has considered whether it is possible that the added costs associated with the compliance and supervisory requirements of the proposed rule change may lead some dealers of municipal securities to consolidate with other dealers. For example, some dealers may choose to consolidate with other dealers in order to benefit from economies of scale (*e.g.,* by leveraging existing compliance resources of a larger firm) rather than to incur separately the costs associated with the proposed rule change. Based in part on public comments received, it appears that the costs associated with the proposed rule change are unlikely to be of such a magnitude as to significantly affect consolidation decisions on a broad

[26] 15 U.S.C. 78o4(b)(2)(C).

market basis. Moreover, many smaller firms may rely on other dealers to handle execution of their customers' orders and may leverage upon the practices and periodic reviews of the executing broker as a means to help ensure that the firm is meeting its best-execution obligations.

The MSRB also considered whether the proposed rule change would affect the dimensions, or attributes, upon which market participants compete. A rule that focuses on a single execution attribute, such as a price, could diminish competition for other execution attributes that might be valued by investors, such as speed of execution. In addition, to the extent dealers might consider the difficulty of fulfilling their best-execution obligations to be greater with respect to some securities, such as those that are less widely traded, the Board considered whether the proposed rule change could have an effect on the relative marketability of such securities. Based in part on public comments received, the Board does not believe that any such effect will result in a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The MSRB solicited and received comment on several potential burdens of the proposed rule change in the Concept Proposal and in the request for comment on the proposed rules. The MSRB also solicited comment on the potential burdens of the proposed rule change in the most recent request for comment.[27] The specific comments and responses thereto are discussed in Part 5 below.

The MSRB believes that the proposed rule change will not impose an undue burden on smaller dealers. Proposed Rule G–18 would provide that a failure to maintain adequate resources (*e.g.,* staff or technology) cannot justify executing away from the best available market; however, because Paragraph .02 of the Supplementary Material contains an acknowledgment that dealers differ in the nature of their municipal securities business, including their level of sales and trading activity, the proposed rule change does not impose one standard for "adequate resources" on all dealers. The proposed rule would not require a dealer to purchase evaluated pricing or other market and reference data but rather generally provides that a dealer engaged in transactions involving securities for which there is limited pricing information or quotations, should analyze data to which it reasonably has access. The proposed rule would not require in all cases that dealers conduct reviews of their policies and procedures on a specified interval. It instead would require the frequency of reviews to be reasonably related to the nature of the dealer's municipal securities business, including its level of sales and trading activity. Under this standard, smaller dealers that handle customer transactions in municipal securities infrequently may not, depending on all of the facts and circumstances, be required to conduct reviews of their policies and procedures as frequently as dealers with a more active municipal securities business.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The MSRB received ten comment letters in response to the Request for Comment.[28] The comment letters are summarized below by topic.

Support for the Proposal

Most commenters supported to some degree the initiative to establish an explicit best-execution rule for the municipal securities market. NYC stated that requiring dealers to use reasonable diligence in seeking to obtain for customers the most favorable terms available under prevailing market conditions would foster a more open, transparent, even-handed market environment for individual investors. IDC supported the objective of the rule proposal to safeguard investor interests while promoting competition among dealers and improving market efficiency. NYSE supported the proposal on the grounds that it would help create a more transparent and fair market for all investors, particularly retail investors.

Several other commenters expressed support for specific provisions of the proposed rule change. SIFMA and Wells Fargo supported the execution handling aspects of draft Rule G–18. RBI supported the provision of draft Rule G–18 that would not prohibit the use of a broker's broker unless it proves detrimental to the customer. In general, SIFMA and Wells Fargo supported draft Rule G–18's approach to the review of execution quality because it does not mirror the type of regular and rigorous review requirements in FINRA Rule 5310. NYC commended the MSRB for introducing policy and procedure guidelines into draft Rule G–18 that would require dealers to address how best execution determinations would be made for securities with limited pricing information or quotations and stated that the rule should maintain elements of flexibility in its policies and procedures in order to reduce compliance costs and allow continued diversity of dealer characteristics. IDC stated that draft Rule G–18(a)(4) represents an important factor for determining whether a dealer has used reasonable diligence to ascertain the best market for the subject security and also stated that paragraph .06 of the Supplementary Material is valuable and in particular supported the MSRB's view that dealers should seek out other sources of pricing information and analyze other data to which they reasonably have access in making best-execution determinations. BDA and SIFMA supported the proposed amendment to Rule G–48 that would create an exception to the best-execution obligations for transactions with SMMPs.

The Relationship Between Best-Execution and the MSRB's Pricing Standards

NAIPFA stated that draft Rule G–18 creates a new pricing standard because dealers must strive to obtain the best price possible whereas existing Rules G–18 and G–30[29] establish pricing floors, *i.e.,* the prices must be at least fair and reasonable. NAIPFA stated its belief that dealers wishing to avoid violations of MSRB rules must either (a) obtain the most favorable price or (b) in the event that the most favorable price is not obtained, show that reasonable diligence was utilized in attempting to obtain the most favorable price and that the price ultimately obtained was nevertheless fair and reasonable.

[27] *See* MSRB Notice 2014–02 (Feb. 19, 2014) ("Request for Comment").

[28] Comments were received from Bond Dealers of America: Letter from Michael Nicholas, Chief Executive Officer, dated March 21, 2014 ("BDA"); City of New York, Office of the Comptroller: Letter from Scott M. Stringer, New York City Comptroller, dated March 21, 2014 ("NYC"); Coastal Securities: Letter from Chris Melton, Executive Vice President, dated March 21, 2014 ("Coastal"); Interactive Data Corporation: Letter from Andrew Hausman, President, dated March 21, 2014 ("IDC"); National Association of Independent Public Finance Advisors: Letter from Jeanine Rodgers Caruso, President, dated March 21, 2014 ("NAIPFA"); NYSE Euronext: Letter from Martha Redding, Chief Counsel, dated March 31, 2014 ("NYSE"); Regional Brokers, Inc.: Letter from H. Deane Armstrong, CCO, dated March 14, 2014 ("RBI"); Securities Industry and Financial Markets Association: Letter from David L. Cohen, Managing Director and Associate General Counsel, dated March 13, 2014 ("SIFMA"); Wells Fargo Advisors, LLC: Letter from Robert J. McCarthy, Director of Regulatory Policy, dated April 2, 2014 ("Wells Fargo"); and Wulff, Hansen & Co.: Letter from Chris Charles, President, dated March 21, 2014 ("Wulff").

[29] *See* Request for Comment at nn.4–6.

Wells Fargo stated that the existing fair-pricing standards were better situated to municipal market conditions than a best-execution requirement based upon FINRA's equity-oriented best-execution rule. Wulff stated that the concept of ''best execution'' as applied to more liquid markets in which individual securities are widely known and trade frequently is an inappropriate standard for the municipal market as there is simply not enough price information available for a traditional best execution standard to be workable. SIFMA requested that the MSRB provide guidance on the interplay between draft Rule G–18 and current pricing rules, in light of the consolidation of years of fair-pricing guidance into Rule G–30, specifically the applicability of interpretive guidance entitled ''Relevant Factors in Determining the Fairness and Reasonableness of Prices.''

NAIPFA stated that, if the best-execution obligations apply within the context of a new offering of securities, this will create an inconsistency in terms of a dealer's obligations to issuers and investors under the interpretive guidance adopted by the MSRB in 2012 [30] because the G–17 Underwriters' Notice provides, among other things, that the underwriter has a duty to purchase securities from the issuer at a fair and reasonable price. NAIPFA recommended that the MSRB either limit the application of a best-execution rule to secondary market transactions or, in the alternative, ensure that Rule G–17 does not conflict with the new rule. NAIPFA further suggested that the term ''customer'' is not defined in draft Rule G–18 and therefore an issuer of municipal securities could arguably be considered a customer for purposes of the rule proposal.

RBI stated that the municipal market is a negotiated, subjective market where prices of bonds are developed based on many factors, including supply and demand, interest rate fluctuations, creditworthiness of any issue and the cost of carry. Traders make assumptions about these and other factors as they decide what price they should pay for a bond in order to be able to sell it at a profit. Unlike the stock market, traders in the municipal market must often be willing to take bonds into their inventories and carry them for days or weeks. The fact that assumptions play a role in the pricing of municipal bonds means, inherently, that there can be no exact price at which a bond should trade on any given day. RBI was concerned that an attempt to hold traders to a strict ''best execution'' rule would have a chilling effect on the willingness of some traders to place bids in a market that already faces liquidity problems. RBI stated that traders will be even more leery of exposing themselves to regulatory scrutiny with a fear that regulators might argue that there is only one exact price that should be paid for a bond. RBI asked the question, ''which prices on EMMA are correct?''

BDA stated that where dealers effect their trades in the municipal securities market has much less to do with what pricing a customer receives than the proper diligence of a dealer in ensuring that customers receive a fair and reasonable price. MSRB's fair-pricing and suitability rules, combined with current improvements and future strides in the transparency of the municipal securities market, such as: The availability of alternative trading systems; an enhanced, public electronic database through EMMA; and, possibly, the creation of an index for retail customers, may improve pricing. NYC noted that its own ability as an issuer to increase transparency in the secondary market for municipal securities is limited. Municipal securities are not traded on an exchange; therefore, firm bid and ask quotations are generally unavailable and individual investors in particular have limited access to information regarding which market participants would be interested in buying or selling municipal securities, and at what prices. NYSE also noted that the fragmented view of dealer inventory and limited distribution of ''bids wanted'' price information contribute to opacity and stated its belief that the creation of a consolidated feed of these data would be an extremely powerful information tool for customers engaging in municipal securities transactions because it would increase market transparency, facilitate retail investors' ability to make informed investment decisions, enhance a broker's best execution process, and improve regulator's surveillance of the market. NYSE suggested that for investors to fully realize the benefits of a best-execution rule, the MSRB should propose a rule that will advance the efforts of pre-trade transparency.

Coastal asked what dealer conduct that is not currently regulated would be regulated by an explicit best-execution rule.

As the MSRB explained in the Request for Comment, the proposed best-execution rule is an order-handling and transaction-execution standard, under which the goal of the dealer's reasonable diligence is to provide the customer the most favorable price possible under prevailing market conditions. Although fair-pricing and best-execution standards are closely related, they are ''distinct.''

The best-execution requirement generally would target the process by which dealers handle orders and execute transactions, which is not directly addressed in the MSRB's fair-pricing rules. And, unlike the fair-pricing rules, the proposed rule does not contain any substantive pricing standard. Paragraph .01 of the Supplementary Material makes clear that the rule is not intended to be a substantive pricing standard but an order-handling standard for the execution of transactions. Paragraph .01 explains that the principal purpose of the rule is to promote dealers' use of reasonable diligence in ascertaining the best market for the subject security and obtaining the most favorable price possible under prevailing market conditions. This is accomplished through the rule's general requirements of the use, and periodic improvement, of sound procedures. Moreover, this paragraph expressly provides that, as characteristic of any reasonableness standard, a failure to have actually obtained the most favorable price possible will not necessarily mean that the dealer failed to use reasonable diligence under the circumstances. A requirement to use reasonable diligence in the order-handling and transaction execution process likely would increase the probability that customers receive fair and reasonable prices, but the proposed rule does not itself contain any standard by which the actual transaction price is to be (or could be) evaluated. The MSRB therefore does not believe that additional guidance related to any interplay between fair pricing and proposed Rule G–18 is needed at this time.

NAIPFA's comment regarding an inconsistency with the G–17 Underwriters' Notice appears to be premised on a misunderstanding of the proposed rule. As explained above, proposed Rule G–18 would not change the substantive pricing standard of fair-and-reasonable. An underwriter would continue to owe an obligation to issuers to purchase newly issued bonds at a price that is fair and reasonable, and must balance that obligation with an obligation to customers to sell them bonds at a price that is fair and reasonable. NAIPFA reads the rule as requiring underwriters to ''attempt to sell municipal securities to investors at prices that are the most favorable to such investors.'' The rule, however, contains no such open-ended

[30] *See* MSRB Notice 2012–25 (May 7, 2012) (''G–17 Underwriters' Notice'').

requirement and is much more targeted and limited. It would require dealers to use reasonable diligence in the handling and execution of customer orders, and that order-handling obligation would not impact an underwriter's role in the pricing of a new issuance of municipal securities.

The text of proposed Rule G–18 does not include a definition of ''customer'' because the term ''customer'' is defined in Rule D–9 (unless specifically provided otherwise) for purposes of all MSRB rules. NAIPFA's concern regarding an issuer being treated as a customer under the proposed rule is fully addressed by the definition in Rule D–9 because it excludes an issuer in transactions involving the sale by the issuer of a new issue of its securities.[31] In short, proposed Rule G–18, as written, does not apply to a sale of municipal securities by an issuer in a new issue of its municipal securities.

The MSRB believes that a best-execution standard carefully tailored to the municipal securities market, coupled with the MSRB's fair-pricing rules, will help to ensure that retail customers receive fair pricing. In addition to this rulemaking initiative, the MSRB has advanced many initiatives to improve transparency, efficiency and other structural aspects of the market [32] as a part of its efforts to protect investors and foster a ''free and open'' municipal securities market.[33] The MSRB is committed to continuing its efforts to engage with the industry to assist it in the development of transparency systems to improve both pre-trade and post-trade transparency.

Consistency With the FINRA Rule's Treatment of Securities With Limited Quotations

BDA stated that there is a significant difference in draft Rule G–18's treatment of securities with limited quotations when compared to FINRA Rule 5310 because draft Rule G–18 does not include the provisions of FINRA's Supplementary Material paragraph .03. As a result, BDA stated that draft Rule G–18 does not provide supplementary material that is necessary to explain how dealers are to comply with a transaction-by-transaction best-execution rule in a municipal securities market that is not quoted on a centralized exchange. BDA noted that, unlike paragraph .03 of the Supplementary Material of the FINRA rule, draft Rule G–18 does not remind a dealer that, in the absence of accessibility of quotations, dealers are not relieved from taking reasonable steps and employing their market expertise in achieving best execution of customer orders.

FINRA Rule 5310 applies to other types of securities in addition to debt securities. Accordingly, paragraph .03 of the Supplementary Material of the FINRA rule specifically addresses firms' best-execution obligations for transactions in debt securities. Proposed Rule G–18, by contrast, has been developed solely for transactions in a particular class of debt securities—municipal securities. It includes rule language and supplementary material to tailor the best-execution obligations to the characteristics of the municipal securities market and provide guidance on how best-execution concepts apply to municipal securities transactions. As explained in the Request for Comment and above, this tailoring includes accommodations for the frequent unavailability of quotations and pricing information, the relative illiquidity of the market generally, the role of broker's brokers in providing liquidity, the role of dealers' inventories in providing liquidity, the variance in the nature of dealer's municipal securities business, and the lack of retrospective statistical data regarding the quality of execution.

The MSRB believes that proposed Rule G–18 generally and paragraph .06 of the Supplementary Material specifically strike an appropriate balance between a principles-based approach and providing more prescriptive guidance to dealers in cases where there are limited quotations or pricing information. The proposed rule would allow a dealer to determine how it will use reasonable diligence, and paragraph .06 requires written policies and procedures that address how the dealer will make its best-execution determinations in case of limited quotations or pricing information. In any event, the FINRA rule, with which the MSRB has endeavored to harmonize (as appropriate), does not contain further prescriptions than proposed Rule G–18 in this area. Paragraph .03 of the Supplementary Material of the FINRA rule simply reiterates to FINRA member firms that in the case of limited quotations, firms are not relieved from taking reasonable steps to achieve best execution of customer orders. The MSRB does not believe that including such language would materially add to proposed Rule G–18, which already contains the core requirement that dealers use reasonable diligence and is tailored to the characteristics of the municipal securities market.

Define or Clarify Certain Terms

IDC and BDA stated that dealers would benefit from a definition of ''similar securities'' as used in proposed Rule G–18(a)(4). IDC stated that this new factor is notable and distinguishable from FINRA Rule 5310. BDA stated that the term is not clear, could be misunderstood in examinations and noted that given the wide array of factors that could be weighed to determine what constitutes a ''similar'' security such as geographical region, credit type and quality, terms and conditions and maturity, the MSRB should include a definition in the rule that should incorporate, as an overriding factor, the judgment of the dealer in determining the factors that are most relevant in determining whether a given security is similar.

IDC recommended that the MSRB provide dealers with additional clarity regarding the use of evaluated pricing in support of best execution compliance and specifically include in the rule a non-exhaustive list of examples of acceptable sources of pricing information or other data which might include recent trade activity, evaluated pricing and related, relevant market, assumptive and reference data. IDC stated that ambiguous interpretations of rules create higher compliance costs and other operational complexity.

SIFMA recommended that the MSRB provide additional information and guidance related to compliance issues and specifically how a dealer should demonstrate best execution ''reasonable diligence'' compliance versus current fair-dealing compliance. Wells Fargo stated that the MSRB needs to elaborate on the steps needed to evidence how reasonable diligence can be demonstrated. Several questions were posed by Wells Fargo to illustrate the point. What does it mean to have ''limited pricing information or quotations?'' What constitutes ''adequate resources'' and how does a

[31] Rule D–9 provides: except as otherwise specifically provided by rule of the Board, the term ''customer'' shall mean any person other than a broker, dealer, or municipal securities dealer acting in its capacity as such *or an issuer in transactions involving the sale by the issuer of a new issue of its securities* (emphases added).

[32] *See* MSRB Long-Range Plan for Market Transparency Products (Jan. 27, 2012), available at *http://www.msrb.org/msrb1/pdfs/Long-Range-Plan.pdf.* The MSRB has requested comment and is analyzing information from market participants on potential improvements to the timeliness, fairness and efficiency of price transparency in the municipal market. *See* Concept Release on Pre-Trade and Post-Trade Pricing Data Dissemination through a New Central Transparency Platform, MSRB Notice 2013–14 (Jul. 31, 2013); Request for Comment on More Contemporaneous Trade Price Information Through a New Central Transparency Platform, MSRB Notice 2013–02 (Jan. 17, 2013). *See also* SEC Report at pp. 117, 141 (noting transparency initiatives).

[33] Securities and Exchange Act of 1934 Section 15B(b)(2)(C), 15 U.S.C.78o–4(b)(2)(C).

firm establish that it has the appropriate level of resources? What are the acceptable ''other sources'' of pricing information? Wells Fargo also requested that the MSRB delineate how diligence obligations may differ when effecting customer purchases versus customer sales of municipal securities and additional guidance to illustrate how dealers can identify trades that require more time to show reasonable diligence. RBI requested guidance as to how to demonstrate compliance given that the MSRB doesn't provide a guideline for dealers to use to support the basis for determining the ''correct or proper'' price given the issues with using prices reported to the Electronic Municipal Market Access (''EMMA''®) system. BDA requested guidance relating to sales out of, or into, dealer inventory.

The MSRB believes that proposed Rule G–18 strikes an appropriate balance between a principles-based approach and providing greater prescriptions. Proposed Rule G–18 embodies the broad principle that dealers must use reasonable diligence in executing customer transactions. It is designed to allow flexibility for each dealer to adapt its policies and procedures to be reasonably related to the nature of its business, including its level of sales and trading activity and the type of customer transactions at issue. The reasonable diligence standard is sufficiently flexible to be met by a diverse population of dealers and allows a dealer to evidence that it has been sufficiently diligent in a manner that may be different from that used by another dealer. Notably, some commenters contend that the guidance regarding similar securities and other information that is included should not be included in the rule (*e.g.,* Coastal), whereas others contend that more guidance should be provided (*e.g.,* BDA, IDC).

The proposed rule change, therefore, does not include a definition of ''similar securities,'' provide examples of acceptable sources of pricing information or data, or further elaborate on how dealers would evidence reasonable diligence. Doing so could negate the benefits of a principles-based rulemaking approach. While the MSRB understands the desire on the part of dealers for concrete steps to follow for their particular business model, such a prescriptive rule might undermine the flexibility the rule is designed to provide. The MSRB may, however, consider providing additional guidance on this and other matters related to the proposed rule at a future date. Finally, the proposed rule also does not define ''prevailing market conditions.'' This phrase is used in the MSRB's fair-pricing rules and guidance, and is used in FINRA Rule 5310 without elaboration.

Number of Markets Checked

SIFMA and Wulff objected to the suggestion that the act of contacting other dealers would be the implicit or requisite procedure to evidence best execution because making an inquiry could move the market away from the customer.

In proposed Rule G–18, the reasonable diligence factor on the number of markets checked is only one factor in a non-exhaustive list of factors to be considered, ''with no single factor being determinative.'' Depending on the particular facts and circumstances, it could be consistent with the reasonable-diligence standard for a dealer not to contact other dealers. It, however, would be important, given the proposed rule's emphasis on complying with sound procedures, for a dealer to have written procedures in place that address the subjects of when and on what basis it would not contact other dealers. The MSRB believes, for these reasons, that this factor should not be deleted from the non-exhaustive list. Its inclusion does not compel a dealer to contact other dealers in cases where the executing dealer has reasonably concluded that such activity would be detrimental to the customer, or otherwise would not be part of ''reasonable diligence'' to ascertain the best market.

Information Reviewed To Determine Current Market for Similar Securities

Coastal stated that the MSRB has unnecessarily increased the obligations of a dealer beyond that required of a dealer in corporate securities by requiring a dealer to utilize the market of an undefined ''similar security'' to determine the market price of the subject security.

In proposed Rule G–18, the reasonable-diligence factor on the information reviewed to determine the current market for the subject security or similar securities was included to tailor the rule to the municipal securities market. This factor helps guide the use of reasonable diligence when, for example, there are no available quotations for a security. It also takes into account that dealers may use information about similar securities and other reasonably relevant information.

Best-Execution Standard

NYSE suggested that the rule provide that a dealer has not satisfied its best-execution obligation if it ignores a superior price available on another ''market'' (as defined in the rule) that offers fair access, transparent pricing and firm electronic quotes.

The suggested change would go beyond a best-execution standard and create, in effect, a trade-through rule. Proposed Rule G–18 embodies a broad and flexible principles-based standard, using a non-exhaustive list of relevant factors with no single factor being determinative. The suggested change would instead focus on a short, exhaustive list of factors and make them determinative. Under the broad standard in the proposed rule, the existence of such a market, assuming under all of the circumstances that it is one about which a dealer reasonably should know, would inform a dealer's development of its procedures and periodic review of them under Paragraph .08 of the Supplementary Material. A failure to consider such a market, however, would not necessarily constitute violation of the proposed rule.

Economic Analysis

SIFMA recommended that the MSRB should separately issue a request for data and other information, in particular quantitative data, relating to the benefits and costs that could result from the various alternative approaches regarding the standards of conduct and other obligations relating to the rule proposal. SIFMA specifically suggested that data be requested for the costs of developing and maintaining a comprehensive compliance and supervisory system, the costs of developing procedures and training programs to implement the new standard, as well the costs for updates when regulatory guidance is updated, or legal precedent and/or firm practices change. In addition, SIFMA asked that data be requested for the cost components for developing, preparing, and maintaining a comprehensive compliance and supervisory system including outside legal costs, outside compliance consultant costs, other out-of-pocket costs, and employee or staff related costs. SIFMA offered to work with the MSRB to obtain reliable empirical data and stated that such data cannot be obtained in the tight timeframe of a request for comment deadline.

In addition, SIFMA stated that the proper baseline for comparing and evaluating the costs and benefits of the proposal are the current Rule G–18 (as of the date of SIFMA's letter) as well as the ''execution with diligence'' proposal that SIFMA suggested as a reasonable alternative.

The Request for Comment incorporated the MSRB's preliminary economic analysis of the proposed rule change and specifically invited comment on the likely economic consequences of the adoption of the rule changes.[34] The Request for Comment further invited commenters to provide statistical, empirical, and other data that may support commenter views and/or support or refute the views and assumptions in the Request for Comment.[35] Given those requests, the MSRB expected that interested persons would submit any empirical data they wished to submit as part of the official rulemaking process. Although the comment period for the MSRB's Request for Comment has closed, the MSRB welcomes SIFMA's offer to provide the MSRB reliable empirical data. The MSRB believes that such data, whenever it is available, can be useful for considering whether additional modifications to any proposed rule or any adopted rule are warranted. With respect to the proposed rule change currently under consideration, the MSRB notes that SIFMA proposed a highly similar order-handling rule and it has not been shown that the costs of proposed Rule G–18 would be significantly greater than the costs of SIFMA's proposal.

With respect to the proper baseline, the MSRB regards the current consolidated Rule G–30 (which now contains the substance of the former Rule G–18) as one relevant baseline to compare and evaluate the costs and benefits of the proposal, as noted in its preliminary economic analysis. In addition, the MSRB has considered SIFMA's reasonable diligence proposal as a reasonable alternative to the proposed rule and the proposed rule captures many elements of the SIFMA proposal. As noted, it has not been shown that the costs of proposed Rule G–18 would be significantly greater than the costs of SIFMA's proposal.

Compliance Burden on Small Dealers

NYC requested that the MSRB consider the potential burden additional compliance could place on small dealers in particular and stated that regulations are often criticized for taking a costly one-size-fits-all approach. NYC suggested that draft Rule G–18 should maintain elements of flexibility in its policies and procedures in order to reduce compliance costs and allow continued diversity of dealer characteristics.

The MSRB agrees that flexibility and responsiveness to the diversity of dealer characteristics is important to retain in the proposed rule. For example, the requirements regarding the level of adequate resources and the frequency of reviews of the dealer's policies and procedures provide for consideration of the nature of the dealer's municipal securities business, including its level of sales and trading activity.

Costs of Compliance

IDC, a financial information provider, stated that compliance with the proposed rule may result in higher costs and other operational complexities related to ambiguous interpretations of the rule. IDC stated that by specifying that evaluated pricing can help inform best execution assessments, dealers would be better positioned to determine the potential scope and cost of any changes to their existing compliance workflows.

The MSRB continues to believe that the flexible and principles-based approach followed in proposed Rule G–18 has advantages and permits a dealer (rather than the MSRB) to use its judgment, so long as it is reasonable, to determine whether its policies and procedures will include the use of a high quality evaluated pricing tool as its source of pricing information. This allows each dealer to make a determination, so long as it is reasonable, whether the cost of evaluated pricing services should be borne by it or whether there are any less costly alternatives that would better serve its purposes.

Dealer Sales of Securities Out of Inventory

Coastal stated that a major flaw in the proposal is that the rule does not address a situation where a dealer is offering a unique security out of inventory. Coastal believed that a significant challenge is presented when no other dealers are willing to make a bona fide offering to sell a municipal security with the full realization that they would be creating a potentially unfillable short position. Further, the price at which a dealer offers municipal inventory when compared to other allegedly similar securities certainly should be a regulatory pricing issue, not an execution issue. Coastal stated, nevertheless, that the proposal might adequately address the situation where the client owns a security that the client wishes to sell.

As stated above in the responses to other commenters, the MSRB believes that proposed Rule G–18 strikes an appropriate balance between a principles-based approach and providing greater prescriptions. The proposed rule allows flexibility for each dealer to adapt its reasonably designed policies and procedures to take account of the nature of its business and the type of customer transactions at issue. Proposed Rule G–18, by its flexible nature, expressly contemplates that an executing dealer acting in a principal capacity may be the best market for the subject security.

Implementation Period

SIFMA requested an implementation period of no less than one year from approval by the Commission.

The MSRB agrees with the comment and has requested Commission approval of the proposed rule change with an implementation date one year after Commission approval. This timeframe should provide sufficient time for dealers to develop or modify their policies and procedures and to acquire or adjust the level of their resources as necessary.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period of up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

As noted above, to qualify as an SMMP under existing Rule D–15, the customer must affirm that it is exercising independent judgment in evaluating the recommendations of the dealer. The proposed amendments to the SMMP definition in Rule D–15, in conjunction with the proposed

[34] On September 26, 2013, the MSRB publicly announced its adoption of a policy to more formally integrate the use of economic analysis in MSRB rulemaking. By its terms, the policy does not apply to rulemaking initiatives, like this initiative, that were initially presented to the MSRB Board of Directors before September 26, 2013. The MSRB has, however, historically taken account of the likely costs and burdens of its rulemaking initiatives, including those associated with the proposed rule change.

[35] The Concept Proposal, published August 6, 2013, also specifically invited commenters to provide statistical, empirical, and other data that may support commenter views and assumptions.

amendments to Rule G–48, generally reflect a unified approach to SMMP status, which would require additional affirmations by the customer regarding the customer's sophistication on certain matters to qualify for SMMP status and which would result in exemptions from certain associated MSRB rules for dealer transactions with SMMPs. Relevant to the proposed best execution obligation for dealers, the proposed amendments to the SMMP definition would require an additional affirmation by the customer that the customer is exercising independent judgment in evaluating the quality of the dealer's execution of the customer's transactions in order for the customer to qualify for SMMP status and the proposed amendments to Rule G–48 would provide an exemption from a dealer's best execution obligation to customers for transactions with SMMPs. The Commission requests comment on the proposed unified approach to SMMP status, including the particular context of the proposed best execution obligations for dealers. The Commission requests comment on whether or not there are circumstances in which an otherwise-eligible SMMP may prefer to affirm that it is exercising independent judgment in evaluating the recommendations of a dealer and not be covered by the protections of the dealer's obligation to conduct a customer-specific suitability analysis, but not to affirm that it is exercising independent judgment with respect to the dealer's quality of execution of the SMMP's transactions and remain protected by the proposed best execution obligation imposed on dealers. Commenters also are invited to provide comments regarding the required customer affirmations generally under the SMMP definition.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MSRB–2014–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2014–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the MSRB. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MSRB–2014–07 and should be submitted on or before September 29, 2014.

For the Commission, pursuant to delegated authority.[36]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–21249 Filed 9–5–14; 8:45 am]

BILLING CODE 8011–01–P

[36] 17 CFR § 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72955; File No. SR–EDGX–2014–05]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Withdrawal of Proposed Rule Change To Adopt a New Order Type Called the Mid-Point Discretionary Order

September 2, 2014.

On March 7, 2014, EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules to add a new order type called the Mid-Point Discretionary Order (''MDO'') and to reflect the priority of MDOs. The proposed rule change was published for comment in the **Federal Register** on March 25, 2014.[3] On May 2, 2014, the Commission extended the time period in which to either approve or disapprove the proposed rule change to June 23, 2014.[4] On June 20, 2014, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[5] The Commission received no comment letters on the proposed rule change. On August 22, 2014, EDGX withdrew the proposed rule change (SR–EDGX–2014–05).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–21248 Filed 9–5–14; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71747 (March 19, 2014), 79 FR 16401.

[4] *See* Securities Exchange Act Release No. 72086 (May 2, 2014), 79 FR 26473 (May 8, 2014).

[5] *See* Securities Exchange Act Release No. 72445 (June 20, 2014), 79 FR 36354 (June 26, 2014).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Bay Acquisition Corp. (a/k/a SecureLogic Corp.) (n/k/a Goozex Holdings, Inc.), BTHC XV, Inc., Caleco Pharma Corp., and CareAdvantage, Inc., Order of Suspension of Trading

September 4, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Bay Acquisition Corp. (a/k/a SecureLogic Corp.) (n/k/a Goozex Holdings, Inc.) because it has not filed any periodic reports since the period ended September 30, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of BTHC XV, Inc. because it has not filed any periodic reports since the period ended December 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Caleco Pharma Corp. because it has not filed any periodic reports since the period ended April 30, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of CareAdvantage, Inc. because it has not filed any periodic reports since the period ended September 30, 2011.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on September 4, 2014, through 11:59 p.m. EDT on September 17, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–21393 Filed 9–4–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Asia Cork, Inc., Biocurex, Inc., Carthew Bay Technologies Inc., Current Technology Corp., Gamecorp Ltd. (n/k/a DealNet Capital Corp.), Globetech Ventures Corp., and Pepper Rock Resources Corp.; Order of Suspension of Trading

September 4, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Asia Cork, Inc. because it has not filed any periodic reports since the period ended March 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Biocurex, Inc. because it has not filed any periodic reports since the period ended September 30, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Carthew Bay Technologies Inc. because it has not filed any periodic reports since the period ended December 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Current Technology Corp. because it has not filed any periodic reports since the period ended September 30, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Gamecorp Ltd. (n/k/a DealNet Capital Corp.) because it has not filed any periodic reports since the period ended September 30, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Globetech Ventures Corp. because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Pepper Rock Resources Corp. because it has not filed any periodic reports since the period ended April 30, 2011.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on September 4, 2014, through 11:59 p.m. EDT on September 17, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–21392 Filed 9–4–14; 4:15 pm]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 8861]

In the Matter of the Designation of Abu Mohammed al-Adnani Also Known as Taha Sobhi Falaha Also Known as Abu Mohammad Al-Adnani Also Known as Yasser Khalaf Hussein Nazal al-Rawi Also Known as Jaber Taha Falah Also Known as Abu Baker al-Khatab Also Known as Abu Sadek al-Rawi Also Known as Taha al-Banshi Also Known as Abu Mohamed al-Adnani Also Known as Abu-Muhammad al-Adnani al-Shami as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, as well as Department of State Delegation Authority No. 284–1, dated February 13, 2009, I hereby determine that the individual known as Abu Mohammed al-Adnani, also known as Taha Sobhi Falaha, also known as Abu Mohammad Al-Adnani, also known as Yasser Khalaf Hussein Nazal al-Rawi, also known as Jaber Taha Falah, also known as Abu Baker al-Khatab, also known as Abu Sadek al-Rawi, also known as Taha al-Banshi, also known as Abu Mohamed al-Adnani, also known as Abu-Muhammad al-Adnani al-Shami committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: August 15, 2014.

Wendy R. Sherman,

Under Secretary of State for Political Affairs.

[FR Doc. 2014–21325 Filed 9–5–14; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–66]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 29, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0557 using any of the following methods:

• *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

• *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

• *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.

• *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 267–9521, 800 Independence Avenue SW., Washington, DC, 20951.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on September 2, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2014–0557.

Petitioner: MicroCopter Professional Services Inc.

Section of 14 CFR: part 21, Subpart H; §§ 45.23(b), 61.113(a) and (b), 91.7(a), 91.9(b)(2), 91.103(b), 91.109, 91.119, 91.121, 91.151(a), 91.203(a) and (b), 91.405(a), 91.407(a)(1), 91.409(a)(2), and 91.417(a) and (b).

Description of Relief Sought: The petitioner is seeking an exemption to commercially operate their small UAS with their own operators and specialized devices for conducting aerial filming and inspections under contract with industries, private and public sectors, including air filming services for commercial and television purposes.

[FR Doc. 2014–21223 Filed 9–5–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–59]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 29, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0495 using any of the following methods:

• *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

• *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

• *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.

• *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–7626. 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on September 2, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2014–0495.

Petitioner: New England Airlines.

Section of 14 CFR Affected: 135.244(a)(1).

Description of Relief Sought: New England Airlines is requesting a reduction of the required initial operating experience hours to 0 for pilots who have been trained and checked by New England Airlines in a single engine aircraft and when the pilot has completed 20 hours in the single engine aircraft while conducting on-demand services operating under the New England Airlines certificate.

[FR Doc. 2014–21221 Filed 9–5–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–67]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR.

The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 29, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0604 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 267–9521, 800 Independence Avenue SW., Washington, DC 20951.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on September 2, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2014–0604.

Petitioner: Montico, Inc.

Section of 14 CFR parts 21 Subpart H; §§ 45.23(b), 91.7(a), 91.9(b)(2), 91.103(b), 91.109, 91.119, 91.121, 91.151(a), 91.203(a) and (b), 91.405(a), 91.407(a)(1), 91.409(a)(2), and 91.417(a) and (b).

Description of Relief Sought: The petitioner is seeking an exemption to commercially operate their sUAS (55 lbs or less) for the purpose of inspection, monitoring, mapping and photographing attached equipment and engineering studies involving communication towers, wind turbine tower facilities and power transmission tower operations.

[FR Doc. 2014–21222 Filed 9–5–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on May 12, 2014 [NHTSA–2014–0049 Volume 79, Number 91, pages 27047 and 27048].

DATES: Comments must be submitted on or before October 8, 2014.

FOR FURTHER INFORMATION CONTACT: Gary R. Toth, Office of Data Acquisition (NVS–410), Room W53–505, 1200 New Jersey Avenue, SE., Washington, DC 20590. The telephone number for Mr. Toth is (202) 366–5378.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: Data Modernization of the National Automotive Sampling System (NASS).

OMB Number: None.

Type of Request: Collection of motor vehicle crash data.

Abstract: The collection of crash data that support the establishment and enforcement of motor vehicle regulations that reduce the severity of injury and property damage caused by motor vehicle crashes is authorized under the National Traffic and Motor Vehicle Safety Act of 1966 (Pub. L. 89–563, Title 1, Sec. 106, 108, and 112). The National Highway Traffic Safety Administration has been investigating motor vehicle traffic crashes and collecting crash data through its National Automotive Sampling System (NASS) Crashworthiness Data System (NASS–CDS) and Special Crash Investigation (SCI) programs. The NASS was designed in the 1970's to collect data from the originally planned 75 data collection sites. Due to demographic changes, the crash population has changed in the country. At the same time, the data needs of the transportation community have increased and significantly changed over the last three decades. For example, the primary focus of the original NASS design was to enhance crashworthiness by providing detailed information about crush damage, restraint system performance and injury mechanisms. In recent years, however, the transportation community has been increasingly more interested in adding data elements related to what happens before a crash and related crash avoidance safety countermeasures. The scope of traffic safety studies has also been expanding. More data is needed from crashes which are not currently included in NASS–CDS, such as those involving large trucks, motorcycles, and pedestrians.

Recognizing the importance as well as the limitations of the current NASS system, NHTSA is undertaking a modernization effort to upgrade our data systems by improving the information technology infrastructure, updating the data we collect and reexamining the sample sites. The goal of this overall modernization effort is to develop a new crash data system that meets current and future data needs. Several data acquisitions systems will be designed to collect record-based information and investigation-based information. The redesigned investigation-based acquisition process will focus on detailed investigation of passenger vehicle crashes and will be referred to as the Crash Investigation Sampling System (CISS).

For the investigation-based acquisition process, once a crash has been selected for investigation, crash technicians locate, visit, measure, and photograph the crash scene; locate, inspect, and photograph vehicles; conduct a telephone or personal interview with the involved individuals or surrogate; and obtain and record injury information received from various medical data sources. These data are used to describe and analyze circumstances, mechanisms, and consequences of high severity motor vehicle crashes in the United States. The collection of interview data aids in this effort.

Affected Public: Passenger Motor Vehicle Operators.

Estimated Annual Burden: 5,605 hours.

Number of respondents: 9,450.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued in Washington, DC.

Terry T. Shelton,

Associate Administrator for National Center for Statistics and Analysis.

[FR Doc. 2014–21236 Filed 9–5–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Actions Taken Pursuant to Executive Orders 13608 and 13645

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is providing notice of actions taken by OFAC with respect to VITALY SOKOLENKO to impose sanctions pursuant to Executive Order 13608 of May 1, 2012 and Executive Order 13645 of June 3, 2013.

DATES: OFAC's actions pursuant to Executive Orders 13608 and 13645 described in this notice were effective December 12, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance and Evaluation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

Additional information concerning OFAC is available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On May 1, 2012, the President issued Executive Order 13608, ''Prohibiting Certain Transactions With and Suspending Entry Into the United States of Foreign Sanctions Evaders With Respect to Iran and Syria'' (''E.O. 13608''). Section 1 (a)(ii) of E.O. 13608 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose on a foreign person certain measures upon determining that the foreign person has, inter alia, ''facilitated deceptive transactions for or on behalf of any person subject to United States sanctions concerning Iran or Syria.'' Section 1(a)(iii) of E.O. 13608 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose on a foreign person certain measures upon determining that the foreign person is, inter alia, acting or purporting to act for or on behalf of, directly or indirectly, any person determined to meet the criteria for the imposition of sanctions set forth in section 1(a) of E.O. 13608.

Section 7(d) of E.O. 13608 defines the term ''deceptive transaction'' to mean ''any transaction where the identity of any person subject to United States sanctions concerning Iran or Syria is withheld or obscured from other participants in the transaction or any relevant regulatory authorities.''

Section 1(b) of E.O. 13608 authorizes the Secretary of the Treasury to prohibit all transactions or dealings involving such persons sanctioned under E.O. 13608 in or related to any goods, services, or technology (i) in or intended for the United States, or (ii) provided by or to United States persons, wherever located. These prohibitions cover the aforementioned transactions or dealings, but do not require the blocking of property or interests in property of the person sanctioned pursuant to E.O. 13608.

On June 3, 2013, the President issued Executive Order 13645 (''Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Freedom and Counter-Proliferation Act of 2012 and Additional Sanctions With Respect to Iran'') (''E.O. 13645''). Section 2 of E.O. 13645 blocks, with certain exceptions, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any foreign branch, of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to satisfy any of the criteria set forth in subsection (a)(i) or (a)(ii) of section 2.

On December 12, 2013, the Director of OFAC, acting pursuant to delegated authority, determined that the individual identified below, meets the criteria set forth in subsections 1(a)(ii) and 1(a)(iii) of E.O. 13608,[1] imposed sanctions on that individual, and prohibited all transactions or dealings involving that individual, as described in Section 1(b) of E.O. 13608. In addition, on December 11, 2013, the Director of OFAC designated the individual identified below as a person whose property and interests in property are blocked pursuant to section 2 of E.O. 13645.[2]

Individual

- SOKOLENKO, Vitaly (a.k.a. SOKOLENKO, Vitalii; a.k.a. SOKOLENKO, Vitaliy); DOB 16 Jun 1968; Executive Order

[1] VITALY SOKOLENKO is the General Manager of FERLAND COMPANY LIMITED. On May 31, 2013, the Director of OFAC, acting pursuant to delegated authority, imposed sanctions on FERLAND COMPANY LIMITED pursuant to section 1(a)(ii) of E.O. 13608. On the same day, the Director of OFAC took action to implement additional sanctions imposed on FERLAND COMPANY LIMITED by the Secretary of State pursuant to the Iran Sanctions Act of 1996, as amended. Separately, on December 11, 2013, the Director of OFAC designated FERLAND COMPANY LIMITED pursuant to section 2 of E.O. 13645. A separate notice detailing OFAC's May 31, 2013 and December 12, 2013 actions with respect to FERLAND COMPANY LIMITED is being published in today's **Federal Register**.

[2] As noted above, on December 12, 2013, the Director of OFAC designated individual VITALY SOKOLENKO and entity FERLAND COMPANY LIMITED pursuant to section 2 of E.O. 13645. On the same day, the Director of OFAC designated three additional entities pursuant to section 2 of E.O. 13645 and identified three vessels as blocked property of one of the entities. A notice detailing OFAC's December 12, 2013 actions with respect to the three additional entities and three vessels is being published in today's **Federal Register.**

13645 Determination—Material Support; Passport EH354160; alt. Passport P0329907; General Manager of Ferland Company Limited (individual) [FSE–IR] [EO13645]

The Director of OFAC has prohibited all transactions or dealings involving the individual listed above in or related to any goods, services, or technology (i) in or intended for the United States, or (ii) provided by or to United States persons, wherever located. The individual listed above has been added to OFAC's List of Foreign Sanctions Evaders with the identifying tag ''FSE–IR'' and OFAC's List of Specially Designated Nationals and Blocked Persons with the identifying tags ''FSE–IR'' and ''EO13645.''

Dated: August 8, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–21216 Filed 9–5–14; 8:45 am]

BILLING CODE 4810–AL–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 173 September 8, 2014

Part II

Department of Education

34 CFR Chapter II

Proposed Requirements—School Improvement Grants—Title I of the Elementary and Secondary Education Act of 1965; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Chapter II

RIN 1810–AB22

[Docket ID ED–2014–OESE–0079]

Proposed Requirements—School Improvement Grants—Title I of the Elementary and Secondary Education Act of 1965

AGENCY: Office of Elementary and Secondary Education, Department of Education (Department).

ACTION: Proposed requirements.

SUMMARY: The U.S. Secretary of Education (Secretary) proposes revising the final requirements for the School Improvement Grants (SIG) program, published in the **Federal Register** on October 28, 2010, authorized under section 1003(g) of title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA), to implement language in the Consolidated Appropriations Act, 2014, that allows local educational agencies (LEAs) to implement additional interventions, provides flexibility for rural LEAs, and extends the grant period from three to five years. Additionally, the proposed requirements make changes that reflect lessons learned from four years of SIG implementation.

DATES: We must receive your comments on or before October 8, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Elizabeth Ross, U.S. Department of Education, 400 Maryland Avenue SW., room 3C116, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Elizabeth Ross, U.S. Department of Education, 400 Maryland Avenue SW., room 3C116, Washington, DC 20202. Telephone: (202) 260–8961 or by email: *Elizabeth.Ross@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of This Regulatory Action: These proposed requirements would implement language in the Consolidated Appropriations Act, 2014, to allow LEAs to implement evidence-based, whole-school reform strategies and State-determined school improvement intervention models, provide flexibility for rural LEAs implementing a SIG intervention, and extend the allowable grant period from three to five years. Additionally, the proposed requirements would make changes that reflect lessons learned from four years of SIG implementation. This regulatory action is authorized by the Consolidated Appropriations Act, 2014 (Public Law 113–76) and 20 U.S.C. 6303(g).

Summary of the Major Provisions of This Regulatory Action: As discussed in more depth in the *Proposed Changes* section of this document, the Department proposes the following revisions to the current SIG requirements to implement language in the Consolidated Appropriations Act, 2014: Allowing five-year SIG awards; adding State-determined school improvement intervention models; adding evidence-based, whole-school reform strategies; and allowing rural LEAs to modify one SIG intervention model element.

The Department also proposes the following revisions to the current SIG requirements to strengthen program implementation based on lessons learned and input from stakeholders: Adding an intervention model that focuses on improving educational outcomes in preschool and early grades, adding an LEA requirement to demonstrate the appropriateness of the chosen intervention model and take into consideration family and community input in the selection of the model; adding an LEA requirement to continuously engage families and the community throughout implementation; adding an LEA requirement to monitor and support intervention implementation; adding an LEA requirement to regularly review external providers' performance and hold external providers accountable; eliminating the ''rule of nine''; and revising reporting requirements.

The Department proposes the following revisions to current SIG requirements: Modifying the teacher and principal evaluation and support system requirements under the transformation model; clarifying the rigorous review process under the restart model; clarifying renewal criteria; defining ''greatest need'' to include priority and focus schools for State educational agencies (SEAs) with approved ESEA flexibility requests; clarifying flexibility for previously implemented interventions (in whole or in part); and clarifying requirements related to the posting of LEAs' SIG applications.

Finally, the Department proposes removing references to fiscal year 2009 and fiscal year 2010 funds and the differentiated accountability pilot because those references are no longer necessary.

Costs and Benefits: The Department believes that the benefits of this regulatory action outweigh any associated costs to SEAs and LEAs, which would be financed with grant funds. The benefits of this action would be more effective State and local actions, using Federal funds, to turn around their lowest-performing schools and achieve significant improvement in educational outcomes for the students attending those schools. Please refer to the *Regulatory Impact Analysis* in this document for a more detailed discussion of costs and benefits.

Consistent with Executive Order 12866, the Secretary has determined that this action is economically significant and, thus, is subject to review by the Office of Management and Budget under the order.

Invitation to Comment: We invite you to submit comments regarding the proposed revisions described in the ''Proposed Changes'' section of this document. To ensure that your comments have maximum effect in developing the final requirements, we urge you to identify clearly the specific proposed revision that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from these proposed requirements. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect all public comments about this document by accessing Regulations.gov. You may also inspect the comments in person in Room 3W100, 400 Maryland Avenue SW., Washington, DC, between 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays. Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this document. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Purpose of Program: In conjunction with title I funds for school improvement reserved under section 1003(a) of the ESEA, SIG funds under section 1003(g) of the ESEA are used to improve student achievement in title I schools identified for improvement, corrective action, or restructuring so as to enable those schools to make adequate yearly progress (AYP) and exit improvement status.

Program Authority: 20 U.S.C. 6303(g); Consolidated Appropriations Act, 2014 (Pub. L. 113–76).

Proposed Requirements

Background

The Department issued final requirements for the SIG program on December 10, 2009 (74 FR 65618). On January 21, 2010, the Department subsequently published interim final requirements (75 FR 3375), which became final on October 28, 2010 (75 FR 66363).

The SIG program provides grants to support rigorous interventions aimed at turning around our Nation's persistently lowest-achieving schools. In general, SEAs that receive funds under the SIG program competitively subgrant those funds to LEAs to implement one of four interventions defined in current requirements: The turnaround model, the restart model, school closure, and the transformation model. In awarding SIG funds, an SEA must give priority to LEAs with the lowest-achieving schools that demonstrate (1) the greatest need for the funds and (2) the strongest commitment to ensuring that the funds are used to provide adequate resources to enable the lowest-achieving schools to meet their goals for substantially raising the achievement of their students.

Division H, title III of the Consolidated Appropriations Act, 2014 (Public Law 113–76), signed into law on January 17, 2014, made significant changes to the SIG program. These proposed requirements would implement these changes, make other revisions that reflect lessons learned from four years of SIG implementation, and help ensure consistency between this program and other Department initiatives.

In interpreting the relevant provisions of the Consolidated Appropriations Act, 2014, and in considering changes to the current requirements, the Department was guided by the following principles: (1) Preserve and protect the key benefits and rigor of the SIG program, which has helped SEAs and LEAs implement rigorous, comprehensive interventions in their lowest-performing schools; (2) minimize disruption to existing State and local program implementation; and (3) strengthen program implementation wherever possible based on lessons learned and input from stakeholders.

The requirements proposed here would apply to the LEA subgrant competitions that SEAs conduct during the 2014–2015 school year for implementation beginning in the 2015–2016 school year.

Proposed Changes

Allowing Five-Year Awards

Current Requirements: Consistent with the current requirements, SEAs make competitive awards for up to three years to LEAs to implement SIG interventions in eligible schools.

Proposed Requirements: Under the proposed requirements in section II.A.3, II.A.2(e)(1), II.C.4, and II.C.5, described in detail below, the Department would allow an SEA to make a SIG award to an LEA for up to five years, of which the LEA may use one school year for planning and other pre-implementation activities, must use at least three school years for full implementation of the selected interventions, and may use up to two school years for activities related to sustaining reforms following at least three years of full intervention implementation. If an LEA receives funding for a school year for planning and other pre-implementation activities, it would be eligible for only one year of funding for activities related to sustaining reforms following full intervention implementation. An LEA may not receive more than five years of continuous funding for the implementation of a single SIG intervention with respect to any particular school.

Specifically, the Department proposes adding in section II.A.3 (LEA requirements) a requirement that an LEA that intends to use the first year of its SIG award for planning and other pre-implementation activities for an eligible school must include in its application to the SEA a description of the planning or pre-implementation activities it will undertake, the timeline for implementing those activities, and a description of how those activities will lead to successful implementation of the selected intervention.

In section II.A.2(e)(1), the Department also proposes to explicitly require an LEA to fully implement a SIG intervention in a school for at least three years (subject to the SEA's renewal authority), consistent with the current requirements.

The Department also proposes adding two requirements regarding renewal of annual SIG awards to section II.C of the current requirements. First, we propose in section II.C.4 that prior to renewing the SIG award of an LEA that received SIG funds for a school year of planning and other pre-implementation activities for a school, an SEA would be required to review the performance of the school against the LEA's approved application. The SEA would conduct this review to determine whether the LEA will be able to fully implement its chosen intervention for the school beginning the first day of the following school year. Second, the Department proposes in section II.C.5 to permit an SEA to renew an LEA's SIG award for a school, after three years of full implementation of an intervention in that school, for up to two additional years for continued full implementation of the intervention or for activities that are related to sustaining reforms (but do not constitute full intervention implementation), based on the same criteria that an SEA considers in making renewal decisions under section II.C.1–II.C.2. Under this proposal, an LEA would not be permitted to receive more than five years of continuous SIG funding with respect to any particular school.

Reasons: The Consolidated Appropriations Act, 2014, allows the Secretary to permit an SEA to establish an award period of up to five years for each participating LEA, thereby providing more time than allowed under current requirements for LEAs to implement SIG interventions. Additionally, the Department's proposed requirements would allow flexibility in two important ways to strengthen SIG implementation. First, the proposed requirements allow one school year for LEA planning prior to full implementation of a SIG intervention for those LEAs and schools that would benefit from that time. Although an LEA may currently use SIG funds for the planning and other activities it conducts between the time it receives a SIG award and the beginning of the first school year of implementation (*i.e.,* the following school year), the Department has determined that this ''pre-implementation'' period may not be sufficient to ensure that LEAs are prepared to implement SIG interventions effectively at the beginning of the first school year of implementation. For example, SEAs typically make SIG awards to LEAs in spring or early summer, which in some LEAs is after personnel contracts have been negotiated and signed for the following school year, thus preventing the personnel changes required by certain SIG interventions. Accordingly, the additional planning time permitted under the proposed requirements may lead to greater success in implementation by recognizing the long lead times that may be necessary to make the fundamental structural and personnel changes required by SIG interventions and to engage sufficiently school staff, families, and the broader community in the planning and pre-implementation work of turning around a low-performing school. This proposed requirement would not affect the requirement to implement an intervention for a full school year in order for that school year to count as one of the three required years of full implementation.

To help ensure that a planning year in a particular school will lead to greater success in implementation, the proposed requirements require (1) an LEA seeking funds for a planning year in a particular school to describe in its application to the SEA the planning or pre-implementation activities it will undertake, the timeline for implementing those activities, and a description of how those activities will lead to successful implementation of the selected intervention and (2) an SEA to review the school's performance during the planning year against the LEA's approved application prior to renewing the portion of the LEA's grant for that school for full implementation in the following school year.

Second, the proposed requirements address the difficulty that LEAs may face in sustaining SIG-funded reforms after the implementation period by permitting an SEA to renew an LEA's SIG award for each school for up to two additional years for sustainability-related activities, based on the same criteria that an SEA considers in making renewal decisions under section II.C.1–II.C.2. LEAs could use this additional time to ensure that SIG reforms have been successfully integrated into each school's ongoing operations. The Department expects that LEAs will request lower funding amounts for planning- and sustainability-related activities as compared to amounts for the years of full intervention implementation because these activities should be less costly than those related to full implementation.

Adding State-Determined School Improvement Intervention Models

Current Requirements: None.

Proposed Requirements: The Department proposes in section I.A.2(g) to allow an LEA to use SIG funds to implement, in one or more SIG-eligible schools, a State-determined intervention model that has been developed or adopted by its SEA and that has been approved by the Secretary.

Under section II.B.1(b) of the proposed requirements, each SEA may submit, as part of its SIG application to the Department, one State-determined intervention model for review and approval by the Secretary. Under this proposal, a State-determined intervention model must (1) be aligned with the ''turnaround principles'' established under ESEA flexibility [1] and (2) provide for increased learning time (ILT), as defined in the current requirements and unchanged in these proposed requirements.[2] Specifically, to be approved under proposed section II.B.1(b), a State-determined intervention model would be required to:

(1) Ensure strong leadership by: (A) Requiring a review of the performance of the current principal; (B) requiring replacement of the principal, if such a change is necessary to ensure strong and effective leadership, or requiring the LEA to demonstrate to the SEA that the current principal has a track record in improving achievement and has the ability to lead the turnaround effort; and (C) requiring the LEA to provide the principal with operational flexibility in the areas of scheduling, staff, curriculum, and budget;

(2) Ensure that teachers are effective and able to improve instruction by: (A) Requiring a review of all staff and retaining only those who are determined to be effective and to have the ability to be successful in supporting the turnaround effort; (B) preventing ineffective teachers from transferring to a SIG-funded school; and (C) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teachers' and students' needs;

(3) Establish schedules and implement strategies that provide ILT;

(4) Strengthen the school's instructional program by ensuring that it (A) is research-based, rigorous, and aligned with State academic content standards; and (B) meets students' needs;

(5) Use data to inform instruction and for continuous improvement, including through the provision of time for collaboration on the use of data;

(6) Establish a school environment that improves school safety and discipline and addresses other non-academic factors that impact student achievement, such as students' social, emotional, and health needs; and

(7) Provide ongoing mechanisms for family and community engagement.

An intervention that the Secretary approved as part of an SEA's ESEA flexibility request that also includes ILT would be considered to have met these criteria.

Reasons: The Consolidated Appropriations Act, 2014, permits an LEA to use SIG funds to implement a State-determined intervention model that has been approved by the Secretary.

As part of ESEA flexibility, the Department established the ''turnaround principles'' to guide SEAs in developing rigorous interventions to turn around

[1] ''ESEA flexibility'' refers to flexibility the Department offered SEAs regarding specific requirements of the ESEA in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Forty-three States, the District of Columbia, and Puerto Rico are approved for ESEA flexibility. More information about ESEA flexibility, including detailed information about the turnaround principles, can be found in the document ESEA Flexibility, updated June 7, 2012, available at *http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html.*

[2] The current requirements define ILT as using a longer school day, week, or year schedule to significantly increase the total number of school hours to include additional time for:

(a) Instruction in core academic subjects including English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography;

(b) Instruction in other subjects and enrichment activities that contribute to a well-rounded education, including, for example, physical education, service learning, and experiential and work-based learning opportunities that are provided by partnering, as appropriate, with other organizations; and

(c) Teachers to collaborate, plan, and engage in professional development within and across grades and subjects.

their ''priority'' schools, as those schools are defined in ESEA flexibility. The turnaround principles are based on the elements of the SIG transformation model, but provide additional flexibility with respect to replacing the principal and implementing ILT. This additional flexibility reflects, in part, the recognition that LEAs with priority schools may not receive additional funding through the SIG program to support the implementation of interventions in these schools. The Department believes, based on experience thus far with SIG and ESEA flexibility, that the turnaround principles provide a baseline expectation for the elements of comprehensive, whole-school reform consistent with the purpose of the SIG program and, thus, reflect appropriate criteria for use by the Secretary in approving a State-determined intervention model. Further, linking approval of State-determined intervention models to the turnaround principles will facilitate and simplify the approval and implementation process for this new intervention model because many States have already developed rigorous interventions for their priority schools under ESEA flexibility that are consistent with the turnaround principles. SEAs that receive approval of their State-determined intervention model would then be able to use SIG funds to support their multi-year plans under ESEA flexibility for implementing rigorous interventions in their priority schools that meet the definition of ''priority schools'' in ESEA flexibility.

In addition to ensuring that any State-determined intervention model is consistent with the turnaround principles, the proposed requirements provide that a State-determined intervention model must include the implementation of ILT. The Department believes that the comprehensive implementation of ILT would provide essential support for key improvements in teaching and learning required by interventions consistent with the turnaround principles, and thus should be included in any State-determined intervention model approved by the Secretary. The Department did not explicitly include ILT in the turnaround principles of ESEA flexibility due to its potential costs, which may exceed the resources available to SEAs and LEAs to support priority interventions in the absence of SIG or other dedicated turnaround funds. However, the availability of up to $2 million annually for a school implementing an approved State-determined intervention model through the SIG program mitigates such resource limitation concerns.

Evidence from the field shows that increasing learning time in a strategic, high-quality manner is often a key element of successful school turnaround. For example, The Case for Improving and Expanding Time in School: A Review of Key Research and Practice, published in April 2012 by the National Center on Time and Learning (NCTL) and available at *www.timeandlearning.org/files/CaseforMoreTime_1.pdf,* summarizes evidence demonstrating that a longer school day and longer school year implemented consistently with the principles of ILT can have a meaningful impact on improving student achievement. Providing time to allow for enrichment activities, teacher collaboration, and professional development, in addition to instruction in core academic subjects including math, science, and reading, is key to ensuring success.

Adding Evidence-Based, Whole-School Reform Strategies

Current Requirements: None.

Proposed Requirements: Section I.A.2(e) of the proposed requirements would allow an LEA to use SIG funds to implement, in partnership with a strategy developer, an evidence-based, whole-school reform strategy in a school. Under this proposed requirement, such a strategy must have evidence of effectiveness that includes at least two studies that meet What Works Clearinghouse evidence standards with or without reservations (*i.e.,* qualifying experimental or quasi-experimental studies) and that found a statistically significant favorable impact on a student academic achievement or attainment outcome, with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse.[3]

The proposed requirements include two related definitions. First, the proposed requirements in section I.A.3 define ''whole-school reform strategy'' as a strategy that (1) is designed to improve student academic achievement or attainment; (2) is implemented for all students in a school; and (3) addresses, at a minimum and in a comprehensive and coordinated manner, school leadership, teaching and learning in at least one full academic content area (including professional learning for educators), student non-academic support, and family and community engagement.[4] Second, the proposed requirements define ''strategy developer'' as an entity or individual that maintains proprietary rights for the strategy or, if no entity or individual maintains proprietary rights for the strategy, an entity or individual that has a demonstrated record of success in implementing the strategy in one or more low-achieving schools or that, together with a partner LEA, has a high-quality plan for implementing the strategy in a school.

Finally, the Department proposes adding section I.A.4(a)(10) (Evidence of strongest commitment), which would require the SEA, when considering the strength of the LEA's commitment, to evaluate the extent to which an LEA that is proposing to implement an evidence-based, whole-school reform strategy in a school demonstrates that the evidence supporting the strategy it proposes to implement includes a sample population or setting similar to the population or setting of the school to be served. The SEA would also consider the extent to which the LEA has demonstrated that it has partnered with a strategy developer that meets the proposed definition of ''strategy developer.'' Notably, under proposed section II.A.2(c), an LEA would have to provide evidence of its strong commitment to use SIG funds to implement the selected intervention by addressing the factors in section I.A.4(a), and under proposed section II.B.2(b)(2), the SEA would have to ensure that the LEA's application makes the required demonstration prior to approving the LEA's application.

Reasons: The Consolidated Appropriations Act, 2014, permits an LEA to use SIG funds to implement, in partnership with a strategy developer, a

[3] What Works Clearinghouse Procedures and Standards Handbook (Version 3.0), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/pdf/reference_resources/wwc_procedures_v3_0_standards_handbook.pdf.*

[4] The Department intends to invite strategy developers and other entities to submit prospective strategies and research studies of the effectiveness of those strategies for review against the proposed evidence requirement discussed in the preceding paragraph and the requirements of the proposed definition of ''whole-school reform strategy.'' The Department intends to identify, from among the strategies submitted for review, those that meet requirements in advance of SEAs' competitions for fiscal year 2014 SIG funds. An LEA seeking to use SIG funds to implement, in partnership with a strategy developer, an evidence-based, whole-school reform strategy would be permitted to choose from among the strategies so identified by the Department.

The Department will provide information regarding the submission and review of prospective strategies on its Web site at *http://www.ed.gov/programs/sif/npr-wholeschlreform.html,* and may re-open the submission and review process, if necessary, based on the final requirements.

whole-school reform strategy that is based on at least a moderate level of evidence that the strategy will have a statistically significant effect on student outcomes, including more than one experimental or quasi-experimental study. In addition, as stated in its report accompanying its fiscal year 2014 appropriations bill for the Department (Senate Report 113–71), the Senate Appropriations Committee expects that any approach taken with SIG funds will address schoolwide factors, including, for example, curriculum and instruction, social and emotional support services for students, and training and support for teachers and school leaders. The proposed requirements described in this section are intended to implement the Consolidated Appropriations Act, 2014, provision in a manner consistent with the Senate Committee report language.

The Department notes that 34 CFR 77.1 (Definitions that apply to all Department programs) defines ''moderate evidence of effectiveness'' as including *at least one* study that, among other things, meets What Works Clearinghouse evidence standards with or without reservations and found a statistically significant favorable impact on a relevant outcome. Because the provision in the Consolidated Appropriations Act, 2014, requires *more than one* such study as evidence of a strategy's effectiveness, the Department cannot use the definition of ''moderate evidence of effectiveness'' in 34 CFR 77.1 to implement the provision and must instead propose the program-specific evidence requirement in section I.A.2(e).

The proposed definition of ''whole-school reform strategy'' is intended to ensure that a strategy implemented by an LEA is consistent not only with the Senate Committee report language but also with evidence from the field and the research literature on whole-school reform by specifying that the strategy address, in a comprehensive and coordinated manner, schoolwide factors essential to successful school turnaround efforts.[5]

The proposed definition of ''strategy developer,'' as well as the related proposed requirements regarding whether an LEA has partnered with a strategy developer that meets the proposed definition, are intended to ensure that the entity or individual with whom an LEA partners to implement an evidence-based, whole-school reform strategy possesses the required qualifications or has a high-quality plan for successful implementation of the strategy in an eligible school.

Finally, the proposed requirements regarding whether the evidence of effectiveness for a strategy proposed for implementation in a school includes a sample overlapping with the populations or settings of that school are intended to ensure the relevance and appropriateness of the strategy for the students and the school.

Rural LEAs' Modification of One SIG Intervention Model Element

Current Requirements: None.

Proposed Requirements: The Department proposes to add a provision in section I.B.6 to permit an LEA that is eligible for services under subpart 1 or 2 of part B of title VI of the ESEA (referred to herein as a rural LEA) to modify one element of the turnaround or transformation model so long as the modification meets the intent and purpose of the original element.

The Department also proposes to modify the language introducing the turnaround and transformation models' requirements in sections I.A.2(a) and I.A.2(d) of the current requirements to clarify that those models' requirements are ''elements.'' Other than the proposed changes discussed in the following section, the Department is not proposing to substantively change the elements of the turnaround and transformation models themselves.

Additionally, the Department proposes adding section I.A.4(a)(9) (Evidence of strongest commitment), which would require the SEA, when considering the strength of the LEA's commitment, to evaluate the extent to which a rural LEA applying to implement the turnaround or transformation model and modify one element of that model has demonstrated that it will meet the intent and purpose of the original element. For example, if a rural LEA applying to implement a turnaround model seeks to modify the element of the model that requires the LEA to replace the principal, the LEA must demonstrate in its application how it will ensure strong leadership in the school. The LEA could do this by demonstrating to the SEA that the current principal has a track record in improving student achievement and has the experience and skills needed to implement the intervention.

Finally, the Department proposes adding reporting requirements to section III.A.3 that would require an SEA to report, with respect to schools receiving SIG funds, the number of schools implementing models with a modified element pursuant to proposed section I.B.6 and which models are being implemented in those schools.

Reasons: The Consolidated Appropriations Act, 2014, permits an LEA eligible for services under subpart 1 or 2 of part B of title VI of the ESEA (Rural Education Achievement Program) to modify not more than one element of a SIG intervention model. The proposed requirements are intended to implement this flexibility while maintaining the integrity of the SIG intervention models in the current requirements and ensuring that the reporting requirements capture relevant information about LEAs availing themselves of this flexibility.

Adding Early Learning Intervention Model

Current Requirements: None.

Proposed Requirements: Section I.A.2(f) of the proposed requirements would allow an LEA to use SIG funds to implement an early learning intervention model in an elementary school. Under this proposed requirement, an LEA implementing the early learning intervention model in an elementary school must—

(1) Implement each of the following early learning strategies—

(A) Offer full-day kindergarten;

(B) Establish or expand a high-quality preschool program;

(C) Provide educators, including preschool teachers, with time for joint planning across grades to facilitate effective teaching and learning and positive teacher-student interactions.

(2) Replace the principal who led the school prior to commencement of the early learning model;

(3) Implement the same rigorous, transparent, and equitable evaluation and support systems for teachers and principals, designed and developed with teacher and principal involvement, that the Department proposes to require under the transformation model;

(4) Use the teacher and principal evaluation and support system to identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so;

(5) Implement such strategies as financial incentives, increased

[5] Stringfield, S., Millsap, M., Yoder, N., Schaffer, E., Nesselrodt, P., Gamse, B., Brigham, N., Moss, M., Herman, R., & Bedinger, S. (1997). *Special strategies studies final report.* Washington, DC: U.S. Department of Education. An executive summary of the report is available at *www.csos.jhu.edu/Otherlinks/SpecialStrategies/intro.htm,* finding that ''[s]tudents in schools working with whole school reform tended to achieve greater gains than did students in schools attempting various pull-out programs.''

opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of students in the school, taking into consideration the results from the teacher and principal evaluation and support system, if applicable;

(6) Use data to identify and implement an instructional program that (a) is research-based, developmentally appropriate, and vertically aligned from one grade to the next as well as aligned with State early learning and development standards and State academic standards and (b) in the early grades, promotes the full range of academic content across domains of development, including math and science, language and literacy, socio-emotional skills, self-regulation, and executive functions;

(7) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the educational and developmental needs of individual students; and

(8) Provide staff ongoing, high-quality, job-embedded professional development such as coaching and mentoring (*e.g.,* regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school's comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to implement successfully school reform strategies.

The Department also proposes adding to section I.A.3 the definition of ''high-quality preschool program'' based on the definition that is used in the Preschool Development Grants program.[6] Under this definition, ''high-quality preschool program'' would mean an early learning program that includes structural elements that are evidence-based and nationally recognized as important for ensuring program quality, including at a minimum—

(1) High staff qualifications, including a teacher with a bachelor's degree in early childhood education or a bachelor's degree in any field with a State-approved alternate pathway, which may include coursework, clinical practice, and evidence of knowledge of content and pedagogy relating to early childhood, and teaching assistants with appropriate credentials;

(2) High-quality professional development for all staff;

(3) A child-to-instructional staff ratio of no more than 10 to 1;

(4) A class size of no more than 20 with, at a minimum, one teacher with high staff qualifications as outlined in paragraph (1) of this definition;

(5) A full-day program;

(6) Inclusion of children with disabilities to ensure access to and full participation in all opportunities;

(7) Developmentally appropriate, culturally and linguistically responsive instruction and evidence-based curricula, and learning environments that are aligned with the State early learning and development standards, for at least the year prior to kindergarten entry;

(8) Individualized accommodations and supports so that all children can access and participate fully in learning activities;

(9) Instructional staff salaries that are comparable to the salaries of local kindergarten through grade 12 (K–12) instructional staff;

(10) Program evaluation to ensure continuous improvement;

(11) On-site or accessible comprehensive services for children and community partnerships that promote families' access to services that support their children's learning and development; and

(12) Evidence-based health and safety standards.

Reasons: Strong and consistent evidence demonstrates that participation in high-quality early learning programs can lead to both short- and long-term positive outcomes for all children, including improved school readiness, lower rates of grade retention and placement in special education, improved high school graduation rates, and increased rates of college attendance and completion.[7]

Educational improvement strategies that focus on preschool and the early grades can address the persistent and large achievement gaps by race and income that are evident upon school entry, and often well-entrenched by third grade, and that negatively affect both individual student outcomes in later grades and overall school performance.

In ''Investing in our Future: The Evidence Base on Preschool Education,'' published by the Society for Research in Child Development and the Foundation for Child Development, a group of leading researchers contend that the effects of preschool may be more sustainable through the implementation and evaluation of policies that increase the quality of preschool programs, facilitate alignment of instructional practices between preschool and early elementary school, and enhance the positive impact that parents have on their child's development.[8]

Traditional early elementary practice has not evolved as quickly as new advances in the science of how children develop and learn have emerged. Implementing a more comprehensive and aligned instructional program that builds on the foundational processes that underlie children's learning in the early years, such as self-regulation, representation, memory, and attachment, can build a strong foundation of learning that will remain with children throughout their education and life.

To that end, the Department also proposes adopting the definition of ''high-quality preschool program'' used in the Preschool Development Grants program. We believe this definition is appropriate in the SIG program as well because it includes key elements of a successful preschool program that will lead to lasting educational gains.

In addition to the requirements focused on early learning, the proposed early learning intervention model includes a number of strategies that are aligned with existing transformation model requirements. This reflects the Department's belief, based on experience thus far with the SIG program, that the transformation model requirements provide an appropriate framework for maximizing the benefits of high-quality early learning while also improving student, teacher, and school performance in the upper grades, consistent with the SIG program's purpose to facilitate successful turnaround of the entire school.

Modifying the Teacher and Principal Evaluation and Support System Requirements Under the Transformation Model

Current Requirements: Under section I.A.2(d)(a)(i)(B), an LEA implementing the transformation model must use an evaluation system for teachers and principals that (1) takes into account data on student growth as a significant factor as well as other factors and (2) is designed and developed with teacher and principal involvement.

[6] *See* the notice inviting applications for the Preschool Development Grants program, published in the **Federal Register** on August 18, 2014 (79 FR 48853).

[7] See ''Investing in our Future: The Evidence Base on Preschool Education'' (available at *http://fcd-us.org/sites/default/files/Evidence%20Base%20on%20Preschool%20Education%20FINAL.pdf*). Society for Research in Child Development and the Foundation for Child Development, October 2013.

[8] *Ibid.*

Proposed Requirements: Proposed section I.A.2(d)(1)(A)(ii) revises the current requirements and would require an LEA implementing the transformation model to implement a teacher and principal evaluation and support system that meets the requirements for these systems under ESEA flexibility. Specifically, under ESEA flexibility, a teacher and principal evaluation and support system must be designed and developed with teacher and principal involvement and must also:

(1) Be used for continual improvement of instruction;

(2) Meaningfully differentiate performance using at least three performance levels;

(3) Use multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students (including English learners and students with disabilities), and other measures of professional practice (which may be gathered through multiple formats and sources, such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys);

(4) Evaluate teachers and principals on a regular basis;

(5) Provide clear, timely, and useful feedback, including feedback that identifies needs and guides professional development; and

(6) Be used to inform personnel decisions.

The Department also proposes amending the definition of ''student growth'' in section I.A.3 to align it with the definition under ESEA flexibility, such that it is defined as the change in student achievement for an individual student between two or more points in time. For the purposes of the proposed definition of ''student growth,'' ''student achievement'' would mean, (1) for grades and subjects in which assessments are required under section 1111(b)(3) of the ESEA, (a) a student's score on such assessments and may include (b) other measures of student learning, provided they are rigorous and comparable across schools within an LEA; and (2) for grades and subjects in which assessments are not required under section 1111(b)(3) of the ESEA, alternative measures of student learning and performance, such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within an LEA.

The Department also proposes moving current requirement I.A.2(d)(1)(i)(D) (requiring an LEA implementing the transformation model in a school to provide staff ongoing, high-quality professional development that is aligned with the school's comprehensive instructional program and designed with school staff) from the section regarding developing and increasing teacher and school leader effectiveness to the section regarding comprehensive instruction reform strategies, in proposed requirement I.A.(2)(d)(2)(A)(iii).

Reasons: After publishing the current requirements, the Department discovered that they erroneously omit certain requirements from the teacher and principal evaluation and support system requirements in section I.A.2(d)(1)(i)(B). Specifically, the transformation model requires that an LEA: (1) Identify and reward school leaders, teachers, and other staff; (2) provide staff ongoing high-quality job-embedded professional development; and (3) implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions. The Department intended to require that the teacher and principal evaluation and support systems be used for those three activities but, due to a numbering error in the current requirements, did not implement that requirement.

After the Department published the current requirements, the Department established requirements for teacher and principal evaluation and support systems implemented by LEAs under ESEA flexibility. The Department believes, based on prior SIG and ESEA flexibility implementation, that high-quality teacher and principal evaluation and support systems that meet those requirements will provide meaningful information about the effectiveness of teachers and principals, can be used to inform professional development and improve practice, and will ultimately increase the quality of instruction for all students.

The Department proposes aligning the requirements for teacher and principal evaluation and support systems under the SIG transformation model with the requirements under ESEA flexibility, including the definition of ''student growth,'' for several reasons. First, the proposed requirement fills the gap created by the accidental omission in the current requirements to ensure that teacher and principal evaluation and support systems under the transformation model are used to inform personnel decisions and professional development. Second, it clarifies that teacher and principal evaluation and support systems implemented as part of ESEA flexibility satisfy the requirements of the SIG transformation model, which would reduce the burden on LEAs in SEAs with approved ESEA flexibility requests because they would not have to implement separate evaluation systems. Lastly, the proposal would help to ensure consistency across Department programs.

Finally, the Department proposes moving the professional development requirement in order to distinguish that requirement from the requirements that pertain directly to the teacher and principal evaluation and support systems. The proposal to move the professional development requirement does not change in any way the requirement itself.

Eliminating the ''Rule of Nine''

Current Requirements: Under section II.A.2(b) of the current requirements, if an LEA has nine or more Tier I and Tier II schools, the LEA may not implement the transformation model in more than half of those schools (the ''rule of nine'').

Proposed Requirements: The proposed requirements eliminate the ''rule of nine.''

Reasons: The Department created the ''rule of nine'' in response to evidence and data on school improvement practices under section 1116 of the ESEA suggesting that turning around chronically low-performing schools (those identified for restructuring under section 1116(b)(8)(B)(v) of the ESEA) required significant changes in governance, leadership, and staffing. Moreover, the data suggested that many LEAs were reluctant to make such fundamental, structural changes in their schools, as demonstrated by the preference for the ''any other major restructuring'' option for schools identified for restructuring, which, despite the name, does not actually require specific changes in school staffing, structure, or governance. The ''rule of nine'' also was intended to help ensure that LEAs applying for SIG funds selected intervention models for their eligible Tier I and Tier II schools on the basis of comprehensive needs analyses reflecting the unique characteristics and circumstances of each school, and not by simply implementing the same model in all their eligible schools.

The Department is proposing to eliminate the ''rule of nine'' for several reasons. First, with the addition of the three new interventions in proposed sections I.A.2(e)–(g) and the flexibility for rural LEAs in proposed section I.B.6, the Department is proposing making the SIG program more flexible for SEAs and LEAs. A rule limiting the specific interventions that an LEA may implement is inconsistent with that flexibility. Second, State-reported data on SIG interventions suggest that the ''rule of nine'' did not have an impact on which intervention models most LEAs with nine or more Tier I and Tier II schools chose to implement. Third, drawing on its experience of SIG implementation since the award of fiscal year 2009 funds, the Department believes the most important factors in selecting an appropriate model for a SIG-eligible school are the particular circumstances and needs of the school and the specific interventions to be implemented.

For these reasons, and as discussed in the following section, the Department proposes requiring an LEA to demonstrate in its application that the proposed intervention meets the specific needs of each school it proposes to serve with SIG funds.

Adding LEA Requirement To Demonstrate Appropriateness of Chosen Intervention Model and Take Into Consideration Family and Community Input

Current Requirements: Under section I.A.4(a)(i) and section II.B.2(b)(ii), an SEA must consider the extent to which an LEA's application demonstrates that it has taken action or will take action to analyze the needs of the schools it applies to serve. Under section II.A.2(a)(iv), an LEA must address the extent to which it has taken action or will take action to analyze the needs of the schools it applies to serve in its application to the SEA.

Proposed Requirements: The Department proposes revising the needs analysis requirement in section I.A.4(a)(1) to provide that an SEA must take into account the extent to which an LEA (1) includes a demonstration in its application that the intervention selected for each eligible school is designed to meet the specific needs of the school, based on a needs analysis that, among other things, analyzes the school improvement needs identified by families and the community, and (2) takes into consideration family and community input in selecting the intervention for each school.

Reasons: Although under the current requirements an LEA is required to address the needs of its SIG-eligible schools, there is no requirement that the LEA demonstrate that the intervention selected is the most appropriate option for meeting the specific needs of the school. There is also no current requirement that the needs analysis must reflect the needs identified based on family and community input. Although currently allowable, in order to ensure that an LEA implements an appropriate intervention for each school it proposes to serve with SIG funds and that input from families and the community is taken into consideration when selecting an intervention, the Department proposes to require the SEA to consider the extent to which the LEA has demonstrated that the selected intervention responds to the particular circumstances and needs of the school, taking into consideration family and community input.

Adding LEA Requirement to Continuously Engage Families and the Community Throughout Implementation

Current Requirements: Although under section I.A.2(d)(3)(A)(ii) of the current requirements an LEA implementing the transformation model must provide ongoing mechanisms for family and community engagement, no similar requirement regarding family and community engagement applies to all LEAs that receive SIG funds, regardless of the intervention model implemented.

Proposed Requirements: The Department proposes adding section I.A.4(a)(8) (Evidence of strongest commitment), which would require an SEA to consider the extent to which the LEA's application demonstrates how the LEA will meaningfully engage families and the community in the implementation of the intervention on an ongoing basis.

Reasons: Family and community engagement in selecting an intervention is important for ensuring local support for a successful turnaround, as reflected in proposed requirement I.A.4(a)(1). However, ongoing family and community engagement is also essential to support student learning and ensure effective implementation of reform strategies. Families and community organizations are key partners in creating a culture of achievement and addressing students' social, emotional, and health needs.

Adding LEA Requirement to Monitor and Support Intervention Implementation

Current Requirements: None.

Proposed Requirements: The Department proposes adding section I.A.4(a)(7) (Evidence of strongest commitment) to require an SEA to consider the extent to which the LEA's application demonstrates how the LEA will provide effective oversight and support for implementation of interventions in its schools by, for example, creating an LEA turnaround office.

Reasons: Through monitoring and interaction with LEAs and SEAs, the Department has found that LEA-level activities and structures are key to supporting a successful school turnaround. The proposed requirements would ensure that LEAs focus on monitoring and supporting turnaround efforts in their schools, including establishing or modifying their governance structures.

Adding LEA Requirements to Regularly Review External Providers' Performance and Hold External Providers Accountable

Current Requirements: Under section I.A.4(a)(iii) and section II.B.2(b)(ii), an SEA must consider the extent to which an LEA's application demonstrates that an LEA has recruited, screened, and selected (or will recruit, screen, and select) external providers, if applicable, to ensure their quality. Under section II.A.2(a)(iv), an LEA must address in its application to the SEA the extent to which it has recruited, screened, and selected (or will recruit, screen, and select) external providers, if applicable, to ensure their quality. Under section II.A.9, an LEA that implements a restart model must hold the charter school operator, charter management organization (CMO), or education management organization (EMO) accountable for meeting the SIG requirements.

Proposed Requirements: The Department proposes several changes to the provision regarding the recruitment, screening, and selection of external providers. Specifically, in proposed section I.A.4(a)(4) (Evidence of strongest commitment), in addition to the current requirement that an SEA consider the extent to which the LEA's application demonstrates that the LEA will recruit, screen, and select external providers to ensure their quality, we would require an SEA to consider the extent to which the LEA's application demonstrates that the LEA will regularly review the external provider's performance and hold the external provider accountable for its performance. Finally, in proposed section II.A.9, the Department proposes requiring an LEA to hold an external provider accountable for meeting the SIG requirements, regardless of which model the LEA is implementing.

Reasons: Although under the current requirements an SEA must consider the extent to which the LEA will screen and select external providers, there is no requirement that the SEA consider how an LEA will review external provider performance or hold external providers accountable for their performance. By requiring that LEAs take a performance management approach to working with external providers, the Department is helping to ensure that providers are fulfilling the obligations under their memoranda of understanding (MOUs), contracts, or other agreements and are held accountable for contributing to increased student achievement in schools that are implementing a SIG model. The Department expects that, to meet the proposed requirement, an LEA will include, in an MOU, contract, or other agreement with a provider, the LEA's expectations for how the provider will perform and be evaluated throughout the period of the grant.

Clarifying Rigorous Review Process Under the Restart Model

Current Requirements: Under section I.A.2(b), an LEA may use funds to implement the restart model, under which the LEA converts a school or closes and reopens a school under a charter school operator, a CMO, or an EMO that has been selected through a rigorous review process. The current requirements do not specify the criteria for such a review, nor do they expressly establish a role for the SEA in the review and selection of the restart partner.

Proposed Requirements: The Department proposes adding section I.A.4(a)(11) (Evidence of strongest commitment), which would require an SEA to consider the extent to which the LEA's application demonstrates that it will conduct a rigorous review process in selecting the charter school operator, CMO, or EMO to operate or manage the school or schools it proposes to serve with SIG funds. Under the proposed requirements in section I.A.2(b)(1), the rigorous review process must include a determination by the LEA that the charter school operator, CMO, or EMO is likely to produce strong results for the school. In making that determination, the LEA must consider the extent to which the schools currently operated or managed by the selected charter school operator, CMO, or EMO, if any, have produced strong results over the past three years (or over the life of the school or schools, if open for fewer than three years), including—

(1) Significant improvement in academic achievement for the groups of students described in section 1111(b)(2)(C)(v) of the ESEA;

(2) Success in closing achievement gaps, either within schools or relative to all public elementary school and secondary school students statewide, for all of the groups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA;

(3) High school graduation rates, where applicable, that are above the average rates in the State for the groups of students described in section 1111(b)(2)(C)(v) of the ESEA; and

(4) No significant compliance issues, including in the areas of civil rights, financial management, and student safety.

Reasons: The Department believes that additional safeguards beyond those in the current requirements are needed to ensure that LEAs implementing a restart model do so in a manner that is likely to result in improved academic achievement and attainment outcomes for students. Specifically, we believe that the recent performance of schools currently operated or managed by an LEA's restart partner is a key predictor of success that must be considered, as research indicates that schools opened by a CMO or EMO typically perform at a level similar to the average of the other schools managed by that organization.[9]

The four factors the Department proposes requiring an LEA to consider in determining whether a charter school operator, CMO, or EMO has produced strong results are aligned with the factors that we have used over the last several years in the definition of ''high-quality charter school'' for the Charter Schools Program Grants for Replication and Expansion of High-Quality Charter Schools. We believe these factors are appropriate for use in the SIG program as well because they involve the key criteria that should be used when considering the past performance of a charter school operator, CMO, or EMO as it pertains to student achievement, other educational outcomes, and important areas of compliance.[10]

We note that the proposed requirements would not preclude an LEA from considering other factors in determining whether an LEA's selected charter school operator, CMO, or EMO is likely to produce strong results for the school. They also would not prevent an LEA from selecting a charter school operator, CMO, or EMO that does not currently operate or manage any schools. However, we expect an SEA to use caution in awarding SIG funds to an LEA that selects an entity that does not have a record of producing strong results.

[9] Woodworth, J. and Raymond, M. (2013). *Charter School Growth and Replication: Volume II.* Stanford, CA: Center for Research on Education Outcomes, Stanford University.

[10] *See* the notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on July 12, 2011 (76 FR 40898).

Clarifying Renewal Criteria

Current Requirements: Under section II.C, an SEA must renew an LEA's grant if the LEA demonstrates that its schools are meeting student achievement goals in reading/language arts and mathematics and may renew an LEA's grant if the SEA determines that the LEA's schools are making progress toward those goals.

Proposed Requirements: Section II.C.2 of the proposed requirements sets forth the following two additional factors an SEA may consider when making grant renewal decisions for an LEA with SIG-funded schools that have not met student achievement goals or for which the SEA does not have sufficient data to determine whether student achievement goals have been met: (1) Whether the LEA's schools are making progress on the leading indicators in section III and (2) whether the LEA is implementing interventions in its schools with fidelity to applicable requirements and to its application. Section II.C.6 of the proposed requirements also clarifies that nothing in the requirements would diminish an SEA's authority to take appropriate enforcement action with respect to an LEA that is not complying with the terms of its grant.

Reasons: Many SEAs do not have sufficient data to determine whether an LEA's schools have met their student achievement goals at the time of grant renewal decisions. To address this issue, the Department has proposed additional factors relevant to an LEA's performance that the SEA may consider. These additional criteria would help an SEA determine whether a school without achievement data is likely to be successful in improving student achievement by the end of its grant period.

To eliminate any misconception that the requirements that pertain to grant renewal might preclude the SEA from taking appropriate enforcement actions, the Department has also included language to clarify that an SEA would retain its enforcement authority, up to and including terminating an LEA's subgrant.

Defining ''Greatest Need'' To Include Priority and Focus Schools for SEAs With Approved ESEA Flexibility Requests

Current Requirements: Under section I.A, an SEA may award SIG funds to LEAs with the greatest need for such funds, defined as LEAs that have Tier I, Tier II, or Tier III schools, as defined in the current requirements. The current requirements do not address schools identified through an SEA's approved ESEA flexibility request as priority or focus schools.

Proposed Requirements: Section I.A.1 of the proposed requirements revises the existing definition of ''greatest need'' to include, for an SEA with an approved ESEA flexibility request, priority schools and focus schools identified pursuant to the SEA's approved ESEA flexibility request and consistent with the definitions of those schools under ESEA flexibility.[11]

The proposed requirements include conforming references to priority and focus schools throughout to clarify that the relevant requirements that pertain to Tier I and Tier II schools apply to both priority and focus schools, with the following exceptions: (1) Proposed section II.A.4(a) requires an LEA to serve each priority school unless the LEA demonstrates it lacks sufficient capacity to do so; (2) proposed section II.A.7 precludes an LEA with one or more priority schools from applying to serve one or more focus schools if it has not applied to serve all of its priority schools; and (3) proposed section II.B.7 requires an SEA to give priority to LEAs that apply to serve priority schools, if the SEA does not have sufficient SIG funds to make at least three-year awards to each LEA that submits an approvable application.

Reasons: Through waivers granted as part of ESEA flexibility and through the State SIG application process, most SEAs with approved ESEA flexibility requests have replaced their lists of Tier I, Tier II, and Tier III schools with lists of priority schools that were identified in accordance with their approved ESEA flexibility requests. These waivers are necessary because, under ESEA flexibility, most SEAs no longer make AYP determinations or identify title I schools in improvement, corrective action, or restructuring. Therefore, these SEAs are unable to identify a sufficient number of schools that meet the definitions of Tier I, Tier II, and Tier III schools. The proposed requirements would require SEAs with approved ESEA flexibility requests to award SIG funds to LEAs with priority and focus schools instead of Tier I, Tier II, or Tier III schools and would eliminate the need for an SEA to seek a waiver from the Department to serve those schools.

The proposed requirements treat both priority and focus schools like Tier I and Tier II schools except that, under the proposed requirements, an LEA must apply to serve all of its priority schools before it may apply to serve its focus schools and an SEA must award funds to serve each priority school its LEAs commit to serve before awarding funds to LEAs to serve focus schools. (Under the current requirements, an SEA must award funds to serve each Tier I and Tier II school its LEAs commit to serve before awarding funds to LEAs to serve Tier III schools.) Priority schools identified in accordance with ESEA flexibility are the lowest-performing schools in the State. Although focus schools identified under ESEA flexibility are schools contributing to the achievement gap in their State, the Department believes that SIG funds must first be used to implement intervention models in the schools that are the lowest-performing overall.

Clarifying Flexibility for Previously Implemented Interventions (In Whole or In Part)

Current Requirements: Under section I.B.1, an SEA may award SIG funds to an LEA that has previously implemented, in whole or in part, an intervention that meets the requirements for the turnaround model, restart model, or transformation model within the last two years.

Proposed Requirements: The proposed requirements revise section I.B.1 of the current requirements to make clear that an SEA may fund an LEA that implemented an intervention, in whole or in part, during the school year in which the LEA applies for SIG funds or during the two school years prior to the school year in which the LEA applies for SIG funds.

The proposed requirements also clarify that the flexibility in section I.B.1 of the current requirements applies to the three new intervention models discussed in this document—the evidence-based, whole-school reform strategy, the early learning model, and the approved State-determined model.

Reasons: The reference in the current requirements to interventions implemented within ''the last two years'' has created confusion among States. The Department has provided guidance to States on how to determine if an intervention that was previously implemented falls within section I.B.1 of the current requirements.[12] The proposed requirements are consistent with that guidance. Consistent with the purpose of the Consolidated Appropriations Act, 2014, the proposed requirements would also expand this flexibility regarding previously implemented interventions to apply to the three newly eligible interventions.

Revising Reporting Requirements

Current Requirements: Under section III, ''Reporting and Evaluation,'' an SEA is required to report certain data with respect to schools served by the SIG program, including truancy data. For each metric, the current requirements identify the authority under which the Department collects the data. Some of the data is collected through ED*Facts.* However, the current requirements identify the State Fiscal Stabilization Fund (SFSF) as the authority for collecting data for two of the metrics—college-enrollment rates and distribution of teachers by performance level on an LEA's teacher evaluation system.

Proposed Requirements: Section III.A of the proposed requirements would

[11] Under ESEA flexibility, ''priority school'' is defined as a school that, based on the most recent data available, has been identified as among the lowest-performing schools in the State. The total number of priority schools in a State must be at least five percent of the title I schools in the State. A priority school is—

A school among the lowest five percent of title I schools in the State based on the achievement of the ''all students'' group in terms of proficiency on the statewide assessments that are part of the SEA's differentiated recognition, accountability, and support system, combined, and has demonstrated a lack of progress on those assessments over a number of years in the ''all students'' group;

A title I-participating or title I-eligible high school with a graduation rate less than 60 percent over a number of years; or

A Tier I or Tier II school under the SIG program that is using SIG funds to implement a school intervention model.

Under ESEA flexibility, ''focus school'' is defined as a title I school in the State that, based on the most recent data available, is contributing to the achievement gap in the State. The total number of focus schools in a State must equal at least 10 percent of the title I schools in the State. A focus school is—

A school that has the largest within-school gaps between the highest-achieving subgroup or subgroups and the lowest-achieving subgroup or subgroups or, at the high school level, has the largest within-school gaps in graduation rates; or

A school that has a subgroup or subgroups with low achievement or, at the high school level, low graduation rates.

An SEA must also identify as a focus school a title I high school with a graduation rate less than 60 percent over a number of years that is not identified as a priority school.

These determinations must be based on the achievement and lack of progress over a number of years of one or more subgroups of students identified under ESEA section 1111(b)(2)(C)(v)(II) in terms of proficiency on the statewide assessments that are part of the SEA's differentiated recognition, accountability, and support system, combined, or, at the high school level, graduation rates for one or more subgroups. See the document ESEA Flexibility, updated June 7, 2012, available at *http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html.*

[12] See Frequently Asked Question G–1a in ''Guidance on Fiscal Year 2010 School Improvement Grants Under Section 1003(g) of the Elementary and Secondary Education Act of 1965,'' dated March 1, 2012, available at *http://www2.ed.gov/programs/sif/legislation.html.*

make three changes and a number of clarifications to the reporting requirements. First, we would remove from the chart under section III.A.3 of the proposed requirements the metric for ''Truants'' and replace it with ''Chronic absenteeism rates.'' Second, we would remove from the chart under proposed section III.A the references to SFSF data as a source for collecting data. Lastly, we would clarify in the chart under proposed section III.A.3 the correct source for each of the required metrics.

Reasons: Truancy is defined at the State level. As a result, the data the Department has collected on truancy are not comparable across States and are of limited utility. For this reason, the Department proposes replacing the truancy data reporting requirement with a requirement to report data on ''chronic absenteeism,'' defined in the Department's Civil Rights Data Collection as the unduplicated number of students absent 15 or more school days during the school year. *See http://www.regulations.gov/contentStreamer?objectId=0900006481337396&disposition=attachment&contentType=pdf* and *http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2013-14-p1-p4.doc.* This definition of ''chronic absenteeism'' applies across all LEAs and would ensure that the data are consistent among all States. We believe this approach would more effectively assist the Department, States, and the public in determining the impact that SIG funds have on a key attendance metric across States. Finally, we would remove the reference to SFSF as a source for some of the data because it is no longer an active program.

Clarifying SEA Requirements for Posting LEA SIG Applications

Current Requirements: Under section II.B.3, an SEA must post on its Web site all final LEA applications and specific information pertaining to the grants.

Proposed Requirements: Section II.B.6 of the proposed requirements clarifies that an SEA must post all LEA applications, including applications to serve Tier III schools. Additionally, if an LEA amends an application, the SEA would be required to post the amended application.

Reasons: Although the current requirements state that an SEA must post ''all final LEA applications,'' the Department has found that many SEAs do not post LEA applications to serve Tier III schools or amended applications. The proposed requirements are intended to eliminate any confusion and to ensure that SEAs are providing the public with complete information on LEA applications for SIG funds.

Removing References to Fiscal Year 2009 and Fiscal Year 2010 Funds

Current Requirements: Section II.B contains multiple requirements pertaining to the disbursement of fiscal years 2009 and 2010 funds. Section II.E allows SEAs to reserve no more than five percent of their fiscal year 2009 SIG allocation if the total allocation exceeded the total allowable amount for awards to LEAs.

Proposed Requirements: Section II.B of the proposed requirements would remove references to fiscal years 2009 and 2010 funds. The proposed requirements would remove section II.E.

Reasons: The current requirements for the SIG program were published to incorporate authority in the Consolidated Appropriations Act, 2010, which was applicable to funds appropriated under the American Recovery and Reinvestment Act of 2009 (ARRA) and fiscal year 2010 funds. The SIG funds allocated under ARRA were significantly greater than the fiscal year 2010 allocation and each subsequent allocation. For that reason, the Department included specific SEA requirements to direct the disbursement of the ARRA funds and the fiscal year 2010 funds, including the current requirement in section II.E that allowed SEAs to reserve no more than five percent of their fiscal year 2009 SIG allocation if the total allocation exceeded the total allowable amount for awards to LEAs. The period of availability of the ARRA funds and the fiscal year 2010 funds has expired and, therefore, references to the fiscal year 2009 and 2010 funds in the current requirements are no longer necessary.

Removing Reference to Differentiated Accountability Pilot

Current Requirements: Section II.B.11 sets forth requirements for SEAs participating in the ''differentiated accountability pilot.''

Proposed Requirements: The proposed requirements would remove the current requirement pertaining to the differentiated accountability pilot in section II.B.11.

Reasons: The ''differentiated accountability pilot'' no longer operates. Accordingly, any reference to it is obsolete and should be removed.

Technical Edits

The Department has made a number of technical edits to clarify current requirements where appropriate. We have also renumbered the provisions in the requirements for internal consistency.

Proposed Requirements

The Secretary proposes the following requirements, which amend the SIG final requirements, published in the **Federal Register** on October 28, 2010 (75 FR 66363), and incorporate the proposed changes described above:

I. SEA Priorities in Awarding School Improvement Grants

A. *Defining key terms.* To award School Improvement Grants to its LEAs, consistent with section 1003(g)(6) of the ESEA, an SEA must select those LEAs with the greatest need for such funds, in accordance with the requirements in paragraph I.A.1. From among the LEAs in greatest need, the SEA must select, in accordance with paragraph I.A.2, those LEAs that demonstrate the strongest commitment to ensuring that the funds are used to provide adequate resources to enable the lowest-achieving schools to improve academic achievement. Key terms are defined as follows:

1. *Greatest need.* An LEA with the greatest need for a School Improvement Grant must have one or more schools in at least one of the categories described in section I.A.1(a)–(c), except that an LEA with the greatest need for a School Improvement Grant in a State with an approved ESEA flexibility request must have one or more schools in at least one of the categories described in section I.A.1(d)–(e):

(a) *Tier I schools:*

(1) A Tier I school is a title I school in improvement, corrective action, or restructuring that is identified by the SEA under paragraph (a)(1) of the definition of ''persistently lowest-achieving schools.''

(2) At its option, an SEA may also identify as a Tier I school an elementary school that is eligible for title I, Part A funds that—

(A)(i) Has not made adequate yearly progress for at least two consecutive years; or

(ii) Is in the State's lowest quintile of performance based on proficiency rates on the State's assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and

(B) Is no higher achieving than the highest-achieving school identified by the SEA under paragraph (a)(1)(A) of the definition of ''persistently lowest-achieving schools.''

(b) *Tier II schools:*

(1) A Tier II school is a secondary school that is eligible for, but does not receive, title I, Part A funds and is identified by the SEA under paragraph

(a)(2) of the definition of ''persistently lowest-achieving schools.''

(2) At its option, an SEA may also identify as a Tier II school a secondary school that is eligible for title I, Part A funds that—

(A)(i) Has not made adequate yearly progress for at least two consecutive years; or

(ii) Is in the State's lowest quintile of performance based on proficiency rates on the State's assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and

(B)(i) Is no higher achieving than the highest-achieving school identified by the SEA under paragraph (a)(2)(A) of the definition of ''persistently lowest-achieving schools''; or

(ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

(c) *Tier III schools:*

(1) A Tier III school is a title I school in improvement, corrective action, or restructuring that is not a Tier I or a Tier II school.

(2) At its option, an SEA may also identify as a Tier III school a school that is eligible for title I, Part A funds that—

(A)(i) Has not made adequate yearly progress for at least two years; or

(ii) Is in the State's lowest quintile of performance based on proficiency rates on the State's assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and

(B) Does not meet the requirements to be a Tier I or Tier II school.

(3) An SEA may establish additional criteria to use in setting priorities among LEA applications for funding and to encourage LEAs to differentiate among Tier III schools in their use of School Improvement Grants funds.

(d) *Priority schools:* A priority school is a school identified as a priority school pursuant to an SEA's approved ESEA flexibility request and consistent with the ESEA flexibility definition of priority school.[13]

(e) *Focus schools:* A focus school is a school identified as a focus school pursuant to an SEA's approved ESEA flexibility request and consistent with the ESEA flexibility definition of focus school.[14]

2. *Strongest Commitment.* An LEA with the strongest commitment is an LEA that agrees to implement, and demonstrates the capacity to implement fully and effectively, one of the following rigorous interventions in each Tier I and Tier II school or, for an SEA with an approved ESEA flexibility request, each priority and focus school, that the LEA commits to serve:

(a) *Turnaround model:*

(1) A turnaround model is one in which an LEA must implement each of the following elements:

(A) Replace the principal and grant the principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully each element of the turnaround model.

(B) Using locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students—

(i) Screen all existing staff and rehire no more than 50 percent; and

(ii) Select new staff.

(C) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school.

(D) Provide staff ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies.

(E) Adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new ''turnaround office'' in the LEA or SEA, hire a ''turnaround leader'' who reports directly to the Superintendent or Chief Academic Officer, or enter into a multi-year contract with the LEA or SEA to obtain added flexibility in exchange for greater accountability.

(F) Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with State academic standards.

(G) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students.

(H) Establish schedules and implement strategies that provide increased learning time (as defined in these requirements).

(I) Provide appropriate social-emotional and community-oriented services and supports for students.

(2) A turnaround model may also implement other strategies such as—

(A) Any of the required and permissible activities under the transformation model; or

(B) A new school model (*e.g.,* themed, dual language academy).

(b) *Restart model:*

(1) A restart model is one in which an LEA converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that has been selected through a rigorous review process. (A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides ''whole-school operation'' services to an LEA.) The rigorous review process must include a determination by the LEA that the selected charter school operator, CMO, or EMO is likely to produce strong results for the school. In making this determination, the LEA must consider the extent to which the schools currently operated or managed by the selected charter school operator, CMO, or EMO, if any, have produced strong results over the past three years (or over

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[13] A ''priority school'' is defined as a school that, based on the most recent data available, has been identified as among the lowest-performing schools in the State. The total number of priority schools in a State must be at least five percent of the title I schools in the State. A priority school is—

A school among the lowest five percent of title I schools in the State based on the achievement of the ''all students'' group in terms of proficiency on the statewide assessments that are part of the SEA's differentiated recognition, accountability, and support system, combined, and has demonstrated a lack of progress on those assessments over a number of years in the ''all students'' group;

A title I-participating or title I-eligible high school with a graduation rate less than 60 percent over a number of years; or

A Tier I or Tier II school under the SIG program that is using SIG funds to implement a school intervention model.

[14] A ''focus school'' is defined as a title I school in the State that, based on the most recent data available, is contributing to the achievement gap in the State. The total number of focus schools in a State must equal at least 10 percent of the title I schools in the State. A focus school is—

A school that has the largest within-school gaps between the highest-achieving subgroup or subgroups and the lowest-achieving subgroup or subgroups or, at the high school level, has the largest within-school gaps in graduation rates; or

A school that has a subgroup or subgroups with low achievement or, at the high school level, low graduation rates.

An SEA must also identify as a focus school a title I high school with a graduation rate less than 60 percent over a number of years that is not identified as a priority school.

These determinations must be based on the achievement and lack of progress over a number of years of one or more subgroups of students identified under ESEA section 1111(b)(2)(C)(v)(II) in terms of proficiency on the statewide assessments that are part of the SEA's differentiated recognition, accountability, and support system, combined, or, at the high school level, graduation rates for one or more subgroups.

the life of the school, if the school has been open for fewer than three years), including—

(A) Significant improvement in academic achievement for all of the groups of students described in section 1111(b)(2)(C)(v) of the ESEA;

(B) Success in closing achievement gaps, either within schools or relative to all public elementary school and secondary school students statewide, for all of the groups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA;

(C) High school graduation rates, where applicable, that are above the average rates in the State for the groups of students described in section 1111(b)(2)(C)(v) of the ESEA; and

(D) No significant compliance issues, including in the areas of civil rights, financial management, and student safety;

(2) A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.

(c) *School closure:* School closure occurs when an LEA closes a school and enrolls the students who attended that school in other schools in the LEA that are higher achieving. These other schools should be within reasonable proximity to the closed school and may include, but are not limited to, charter schools or new schools for which achievement data are not yet available.

(d) *Transformation model:* A transformation model is one in which an LEA implements each of the following elements:

(1) *Developing and increasing teacher and school leader effectiveness.*

(A) *Required activities.* The LEA must—

(i) Replace the principal who led the school prior to commencement of the transformation model;

(ii) Implement rigorous, transparent, and equitable evaluation and support systems for teachers and principals, designed and developed with teacher and principal involvement, that—

(*1*) Will be used for continual improvement of instruction;

(*2*) Meaningfully differentiate performance using at least three performance levels;

(*3*) Use multiple valid measures in determining performance levels, including as a significant factor data on student growth (as defined in these requirements) for all students (including English learners and students with disabilities), and other measures of professional practice (which may be gathered through multiple formats and sources), such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys;

(*4*) Evaluate teachers and principals on a regular basis;

(*5*) Provide clear, timely, and useful feedback, including feedback that identifies needs and guides professional development; and

(*6*) Will be used to inform personnel decisions.

(iii) Use the teacher and principal evaluation and support system described in section I.A.2(d)(1)(A)(ii) of these requirements to identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high school graduation rates and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so; and

(iv) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of students in the school, taking into consideration the results from the teacher and principal evaluation and support system described in section I.A.2(d)(1)(A)(ii) of these requirements, if applicable.

(B) *Permissible activities.* An LEA may also implement other strategies to develop teachers' and school leaders' effectiveness, such as—

(i) Providing additional compensation to attract and retain staff with the skills necessary to meet the needs of the students in a transformation school;

(ii) Instituting a system for measuring changes in instructional practices resulting from professional development; or

(iii) Ensuring that the school is not required to accept a teacher without the mutual consent of the teacher and principal, regardless of the teacher's seniority.

(2) *Comprehensive instructional reform strategies.*

(A) *Required activities.* The LEA must—

(i) Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with State academic standards;

(ii) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students; and

(iii) Provide staff ongoing, high-quality, job-embedded professional development (*e.g.,* regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school's comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to implement successfully school reform strategies.

(B) *Permissible activities.* An LEA may also implement comprehensive instructional reform strategies, such as—

(i) Conducting periodic reviews to ensure that the instruction is implemented with fidelity to the selected curriculum, is having the intended impact on student achievement, and is modified if ineffective;

(ii) Implementing a schoolwide ''response-to-intervention'' model;

(iii) Providing additional supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that English learners acquire language skills to master academic content;

(iv) Using and integrating technology-based supports and interventions as part of the instructional program; and

(v) In secondary schools—

(*1*) Increasing rigor by offering opportunities for students to enroll in advanced coursework (such as Advanced Placement; International Baccalaureate; or science, technology, engineering, and mathematics courses, especially those that incorporate rigorous and relevant project-, inquiry-, or design-based contextual learning opportunities), early-college high schools, dual enrollment programs, or thematic learning academies that prepare students for college and careers, including by providing appropriate supports designed to ensure that low-achieving students can take advantage of these programs and coursework;

(*2*) Improving student transition from middle to high school through summer transition programs or freshman academies;

(*3*) Increasing graduation rates through, for example, credit-recovery programs, re-engagement strategies, smaller learning communities, competency-based instruction and performance-based assessments, and acceleration of basic reading and mathematics skills; or

(*4*) Establishing early-warning systems to identify students who may be at risk of failing to achieve to high standards or graduate.

(3) *Increasing learning time and creating community-oriented schools.*

(A) *Required activities.* The LEA must—

(i) Establish schedules and strategies that provide increased learning time (as defined in these requirements); and

(ii) Provide ongoing mechanisms for family and community engagement.

(B) *Permissible activities.* An LEA may also implement other strategies that extend learning time and create community-oriented schools, such as—

(i) Partnering with parents and parent organizations, faith- and community-based organizations, health clinics, other State or local agencies, and others to create safe school environments that meet students' social, emotional, and health needs;

(ii) Extending or restructuring the school day so as to add time for such strategies as advisory periods that build relationships between students, faculty, and other school staff;

(iii) Implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports or taking steps to eliminate bullying and student harassment; or

(iv) Expanding the school program to offer full-day kindergarten or pre-kindergarten.

(4) *Providing operational flexibility and sustained support.*

(A) *Required activities.* The LEA must—

(i) Give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully each element of the transformation model to substantially improve student achievement outcomes and increase high school graduation rates; and

(ii) Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the SEA, or a designated external lead partner organization (such as a school turnaround organization or an EMO).

(B) *Permissible activities.* The LEA may also implement other strategies for providing operational flexibility and intensive support, such as—

(i) Allowing the school to be run under a new governance arrangement, such as a turnaround division within the LEA or SEA; or

(ii) Implementing a per-pupil, school-based budget formula that is weighted based on student needs.

(e) *Evidence-based, whole-school reform strategy:* An evidence-based, whole-school reform strategy is a strategy that—

(1) Is supported by evidence of effectiveness, which must include at least two studies of the strategy, each of which—

(A) Meets What Works Clearinghouse evidence standards with or without reservations;[15] and

(B) Found a statistically significant favorable impact on a student academic achievement or attainment outcome, with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse;

(2) Is a whole-school reform strategy as defined in these requirements; and

(3) Is implemented by the LEA in partnership with a strategy developer as defined in these requirements.

(f) *Early learning model:* An LEA implementing the early learning model in an elementary school must—

(1) Implement each of the following early learning strategies—

(A) Offer full-day kindergarten;

(B) Establish or expand a high-quality preschool program (as defined in these requirements);

(C) Provide educators, including preschool teachers, with time for joint planning across grades to facilitate effective teaching and learning and positive teacher-student interactions.

(2) Replace the principal who led the school prior to commencement of the early learning model;

(3) Implement rigorous, transparent, and equitable evaluation and support systems for teachers and principals, designed and developed with teacher and principal involvement, that meet the requirements described in section I.A.2(d)(1)(A)(ii);

(4) Use the teacher and principal evaluation and support system described in section I.A.2(d)(1)(A)(ii) of these requirements to identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so;

(5) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of students in the school, taking into consideration the results from the teacher and principal evaluation and support system described in section I.A.2(d)(1)(A)(ii) of these requirements, if applicable;

(6) Use data to identify and implement an instructional program that—

(A) Is research-based, developmentally appropriate, and vertically aligned from one grade to the next as well as aligned with State early learning and development standards and State academic standards and

(B) In the early grades, promotes the full range of academic content across domains of development, including math and science, language and literacy, socio-emotional skills, self-regulation, and executive functions;

(7) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the educational and developmental needs of individual students; and

(8) Provide staff ongoing, high-quality, job-embedded professional development such as coaching and mentoring (*e.g.,* regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school's comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to implement successfully school reform strategies.

(g) *Approved State-Determined Model:* An LEA may implement an intervention developed or adopted by its SEA that has been approved by the Secretary, consistent with section II.B.1(b).

3. *Definitions.*

High-quality preschool program means an early learning program that includes structural elements that are evidence-based and nationally recognized as important for ensuring program quality, including at a minimum—

(a) High staff qualifications, including a teacher with a bachelor's degree in early childhood education or a bachelor's degree in any field with a State-approved alternate pathway, which may include coursework, clinical practice, and evidence of knowledge of content and pedagogy relating to early childhood, and teaching assistants with appropriate credentials;

(b) High-quality professional development for all staff;

(c) A child-to-instructional staff ratio of no more than 10 to 1;

[15] What Works Clearinghouse Procedures and Standards Handbook (Version 3.0), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/pdf/reference_resources/wwc_procedures_v3_0_standards_handbook.pdf.*

(d) A class size of no more than 20 with, at a minimum, one teacher with high staff qualifications as outlined in paragraph (a) of this definition;

(e) A full-day program;

(f) Inclusion of children with disabilities to ensure access to and full participation in all opportunities;

(g) Developmentally appropriate, culturally and linguistically responsive instruction and evidence-based curricula, and learning environments that are aligned with the State early learning and development standards, for at least the year prior to kindergarten entry;

(h) Individualized accommodations and supports so that all children can access and participate fully in learning activities;

(i) Instructional staff salaries that are comparable to the salaries of local K–12 instructional staff;

(j) Program evaluation to ensure continuous improvement;

(k) On-site or accessible comprehensive services for children and community partnerships that promote families' access to services that support their children's learning and development; and

(l) Evidence-based health and safety standards.

Increased learning time means using a longer school day, week, or year schedule to significantly increase the total number of school hours to include additional time for—

(a) Instruction in one or more core academic subjects, including English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography;

(b) Instruction in other subjects and enrichment activities that contribute to a well-rounded education, including, for example, physical education, service learning, and experiential and work-based learning opportunities that are provided by partnering, as appropriate, with other organizations; and

(c) Teachers to collaborate, plan, and engage in professional development within and across grades and subjects.[16]

Persistently lowest-achieving schools means, as determined by the State—

(a)(1) Any title I school in improvement, corrective action, or restructuring that—

(A) Is among the lowest-achieving five percent of title I schools in improvement, corrective action, or restructuring or the lowest-achieving five title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or

(B) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years; and

(2) Any secondary school that is eligible for, but does not receive, title I funds that—

(A) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, title I funds, whichever number of schools is greater; or

(B) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

(b) To identify the lowest-achieving schools, a State must take into account both—

(1) The academic achievement of the "all students" group in a school in terms of proficiency on the State's assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and

(2) The school's lack of progress on those assessments over a number of years for the "all students" group.

Strategy developer means an entity or individual that—

(a) Maintains proprietary rights for the strategy; or

(b) If no entity or individual maintains proprietary rights for the strategy—

(1) Has a demonstrated record of success in implementing the strategy in one or more low-achieving schools; or

(2) Together with the LEA with which the entity or individual has partnered, has a high-quality plan for implementing the strategy in the school.

Student growth means the change in student achievement for an individual student between two or more points in time. For the purpose of this definition, *student achievement* means—

(a) For grades and subjects in which assessments are required under section 1111(b)(3) of the ESEA, a student's score on such assessments and may include other measures of student learning, such as those described in paragraph (b) of this definition, provided they are rigorous and comparable across schools within an LEA.

(b) For grades and subjects in which assessments are not required under section 1111(b)(3) of the ESEA, alternative measures of student learning and performance, such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within an LEA.

Whole-school reform strategy means a strategy that is designed to—

(a) Improve student academic achievement or attainment;

(b) Be implemented for all students in a school; and

(c) Address, at a minimum and in a comprehensive and coordinated manner, each of the following:

(1) School leadership.

(2) Teaching and learning in at least one full academic content area (including professional learning for educators).

(3) Student non-academic support.

(4) Family and community engagement.

4. *Evidence of strongest commitment.*

(a) In determining the strength of an LEA's commitment to ensuring that School Improvement Grants funds are used to provide adequate resources to enable Tier I, Tier II, priority, and focus schools to improve student achievement substantially, an SEA must consider, at a minimum, the extent to which the LEA's application demonstrates that the LEA has taken, or will take, action to—

(1) In selecting the intervention for each eligible school—

(A) Ensure that the selected intervention is designed to meet the specific needs of the school, based on a needs analysis that, among other things, analyzes the needs identified by families and the community; and

(B) Take into consideration family and community input.

(2) Design and implement interventions consistent with these requirements;

(3) Use the School Improvement Grants funds to provide adequate resources and related support to each school it commits to serve in order to implement fully and effectively the selected intervention on the first day of the first school year of full implementation;

(4) Recruit, screen, and select external providers, if applicable, to ensure their quality, and regularly review and hold accountable such providers for their performance;

(5) Align other resources with the selected intervention;

(6) Modify its practices or policies, if necessary, to enable it to implement the selected intervention fully and effectively;

[16] Evidence from the field shows that increasing learning time in a strategic, high-quality manner is often a key element of successful school turnaround. See "The Case for Improving and Expanding Time in School: A Review of Key Research and Practice, available at *www.timeandlearning.org/files/CaseforMoreTime_1.pdf.*" National Center on Time and Learning, April 2012.

(7) Provide effective oversight and support for implementation of the selected intervention for each school it proposes to serve, such as by creating an LEA turnaround office;

(8) Meaningfully engage families and the community in the implementation of the selected intervention on an ongoing basis;

(9) For an LEA eligible for services under subpart 1 or 2 of part B of title VI of the ESEA that chooses to modify one element of the turnaround or transformation model under section I.B.6 of these requirements, meet the intent and purpose of that element;

(10) For an LEA that applies to implement an evidence-based, whole-school reform strategy in one or more eligible schools—

(A) Implement a strategy with evidence of effectiveness that includes a sample population or setting similar to the population or setting of the school to be served; and

(B) Partner with a strategy developer, as defined in these requirements;

(11) For an LEA that applies to implement the restart model in one or more eligible schools, conduct a rigorous review process, as described in section I.A.2(b), of the charter school operator, CMO, or EMO that it has selected to operate or manage the school or schools; and

(12) Sustain the reforms after the funding period ends.

(b) The SEA must consider the LEA's capacity to implement the interventions and may approve the LEA to serve only those Tier I, Tier II, priority, and focus schools for which the SEA determines that the LEA can implement fully and effectively one of the interventions.

B. *Providing flexibility.*

1. An SEA may award School Improvement Grants funds to an LEA for a Tier I, Tier II, priority, or focus school that has implemented, in whole or in part, an intervention that meets the requirements under section I.A.2(a), 2(b), 2(d), 2(e), 2(f), or 2(g) of these requirements during the school year in which the LEA applies for School Improvement Grants funds or during the two school years prior to the school year in which the LEA applies for School Improvement Grants funds, so that the LEA and school can continue or complete the intervention being implemented in that school.

2. An SEA may seek a waiver from the Secretary of the requirements in section 1116(b) of the ESEA in order to permit a Tier I or Tier II title I participating school implementing an intervention that meets the requirements under section I.A.2(a) or 2(b) of these requirements in an LEA that receives a School Improvement Grant to "start over" in the school improvement timeline. Even though a school implementing the waiver would no longer be in improvement, corrective action, or restructuring, it may receive School Improvement Grants funds.

3. An SEA may seek a waiver from the Secretary to enable a Tier I or Tier II title I participating school that is ineligible to operate a title I schoolwide program and is operating a title I targeted assistance program to operate a schoolwide program in order to implement an intervention that meets the requirements under section I.A.2(a), 2(b), 2(d), 2(e), 2(f), or 2(g) of these requirements.

4. An SEA may seek a waiver from the Secretary to extend the period of availability of School Improvement Grants funds so as to make those funds available to the SEA and its LEAs for up to five years.

5. If an SEA does not seek a waiver under section I.B.2, 3, or 4, an LEA may seek a waiver.

6. An LEA eligible for services under subpart 1 or 2 of part B of title VI of the ESEA may modify one element of the turnaround or transformation model so long as the modification meets the intent and purpose of the original element, in accordance with section I.A.4(a)(9) of these requirements.

II. Awarding School Improvement Grants to LEAs

A. *LEA requirements.*

1. An LEA may apply for a School Improvement Grant if it receives title I, Part A funds and has one or more schools that qualify under the State's definition of a Tier I, Tier II, Tier III, priority, or focus school.

2. In its application, in addition to other information that the SEA may require, the LEA must—

(a) Identify the schools it commits to serve;

(b) Identify the intervention it will implement in each Tier I, Tier II, priority, and focus school it commits to serve;

(c) Provide evidence of its strong commitment to use School Improvement Grants funds to implement the selected intervention by addressing the factors in section I.A.4(a) of these requirements;

(d) Include a timeline delineating the steps the LEA will take to implement the selected intervention in each school identified in the LEA's application; and

(e) Include a budget indicating how it will allocate School Improvement Grants funds among the schools it commits to serve that is of sufficient size and scope and that:

(1) For each Tier I, Tier II, priority, and focus school the LEA commits to serve, ensures that the LEA can implement one of the interventions identified in sections I.A.2(a)-(b) or sections I.A.2(d)-(g) of these requirements for a minimum of three years and no more than five years; and

(2) For each Tier III school the LEA commits to serve, includes the services it will provide the school, particularly if the school meets additional criteria established by the SEA, for a minimum of three years and no more than five years.

3. An LEA that intends to use the first year of its School Improvement Grants award for planning and other pre-implementation activities for an eligible school must include in its application to the SEA a description of the activities, the timeline for implementing those activities, and a description of how those activities will lead to successful implementation of the selected intervention.

4. The LEA must serve:

(a) In an SEA with an approved ESEA flexibility request, each priority school unless the LEA demonstrates that it lacks sufficient capacity to undertake one of the interventions described in section I.A.2 of these requirements in each priority school, in which case the LEA must indicate the priority schools that it can effectively serve. An LEA may not serve with School Improvement Grants funds awarded under section 1003(g) of the ESEA a priority or focus school in which it does not implement one of the interventions identified in section I.A.2 of these requirements.

(b) In all other SEAs, each Tier I school unless the LEA demonstrates that it lacks sufficient capacity (which may be due, in part, to serving Tier II schools) to undertake one of the interventions described in section I.A.2 of these requirements in each Tier I school, in which case the LEA must indicate the Tier I schools that it can effectively serve. An LEA may not serve with School Improvement Grants funds awarded under section 1003(g) of the ESEA a Tier I or Tier II school in which it does not implement one of the interventions identified in section I.A.2 of these requirements.

5. An LEA that commits to serve schools that do not receive title I, Part A funds must ensure that each such school it serves receives all of the State and local funds it would have received in the absence of the School Improvement Grants funds.

6. An LEA in which one or more Tier I schools are located and that does not apply to serve at least one of these

schools may not apply for a grant to serve only Tier III schools.

7. An LEA in which one or more priority schools are located and that does not apply to serve all of these schools may not apply for a grant to serve one or more focus schools.

8. (a) To monitor each Tier I, Tier II, priority, and focus school that receives School Improvement Grants funds, an LEA must—

(1) Establish annual goals for student achievement on the State's assessments in both reading/language arts and mathematics; and

(2) Measure progress on the leading indicators in section III of these requirements.

(b) The LEA must also meet the requirements with respect to adequate yearly progress in section 1111(b)(2) of the ESEA, if applicable.

9. An LEA must hold the charter school operator, CMO, EMO, or other external provider accountable for meeting these requirements, if applicable.

B. *SEA requirements.*

1. (a) To receive a School Improvement Grant, an SEA must submit an application to the Department at such time, and containing such information, as the Secretary shall reasonably require.

(b) In its application to the Department, each SEA may submit one State-determined intervention model for the Secretary's review and approval. To be approved, a State-determined intervention model must:

(1) Ensure strong leadership by:

(A) Requiring a review of the performance of the current principal;

(B) Requiring replacement of the principal, if such a change is necessary to ensure strong and effective leadership, or requiring the LEA to demonstrate to the SEA that the current principal has a track record in improving achievement and has the ability to lead the turnaround effort; and

(C) Requiring the LEA to provide the principal with operational flexibility in the areas of scheduling, staff, curriculum, and budget;

(2) Ensure that teachers are effective and able to improve instruction by:

(A) Requiring a review of all staff and retaining only those who are determined to be effective and to have the ability to be successful in supporting the turnaround effort;

(B) Preventing ineffective teachers from transferring to a school implementing an intervention under section I.A.2; and

(C) Providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs;

(3) Establish schedules and implement strategies that provide increased learning time (as defined in these requirements);

(4) Strengthen the school's instructional program by ensuring that it—

(A) Is research-based, rigorous, and aligned with State academic content standards; and

(B) Meets student needs;

(5) Use data to inform instruction and for continuous improvement, including by providing time for collaboration on the use of data;

(6) Establish a school environment that improves school safety and discipline and addresses other non-academic factors that impact student achievement, such as students' social, emotional, and health needs; and

(7) Provide ongoing mechanisms for family and community engagement.

Note: An intervention that the Secretary approved as part of an SEA's ESEA flexibility request that also includes increased learning time, as defined in these requirements, will be considered to have met the criteria in II.B.1(b).

2. (a) An SEA must review and approve, consistent with these requirements, an application for a School Improvement Grant that it receives from an LEA.

(b) Before approving an LEA's application, the SEA must ensure that the application meets these requirements, particularly with respect to—

(1) Whether the LEA has agreed to implement one of the interventions identified in section I.A.2 of these requirements in each Tier I and Tier II school or, for an SEA with an approved ESEA flexibility request, each priority and focus school included in its application;

(2) The extent to which the LEA's application demonstrates the LEA's strong commitment to use School Improvement Grants funds to implement the selected intervention by addressing the factors in section I.A.4 of these requirements;

(3) Whether the LEA has the capacity to implement the selected intervention fully and effectively in each school identified in its application; and

(4) Whether the LEA has submitted a budget that includes sufficient funds to implement the selected intervention fully and effectively in each school it identifies in its application.

3. An SEA may, consistent with State law, take over an LEA or specific Tier I, Tier II, priority, or focus schools in order to implement the interventions in these requirements.

4. An SEA may not require an LEA to implement a particular intervention in one or more schools unless the SEA has taken over the LEA or school.

5. To the extent that a school implementing a restart model becomes a charter school LEA, an SEA must hold the charter school LEA accountable, or ensure that the charter school authorizer holds it accountable, for complying with these requirements.

6. An SEA must post on its Web site, within 30 days of awarding School Improvement Grants to LEAs and within 30 days of approving any amendments to LEA applications, all approved LEA applications (including applications to serve Tier I, Tier II, Tier III, priority, and focus schools and approved amendments) as well as a summary of those grants that includes the following information:

(a) Name and National Center for Education Statistics (NCES) identification number of each LEA awarded a grant.

(b) Amount of each LEA's grant.

(c) Name and NCES identification number of each school to be served.

(d) Type of intervention to be implemented in each Tier I, Tier II, priority, and focus school.

7. If an SEA does not have sufficient School Improvement Grants funds to award, for at least three years, a grant to each LEA that submits an approvable application, the SEA must give priority to LEAs to serve Tier I or Tier II schools or, for an SEA with an approved ESEA flexibility request, the SEA must give priority to LEAs to serve priority schools.

8. An SEA must award a School Improvement Grant to an LEA in an amount that is of sufficient size and scope to support the activities required under section 1116 of the ESEA and these requirements. The LEA's total grant may not be less than $50,000 for each school it commits to serve and, for each school in which the LEA commits to fully implement an intervention that meets the requirements under section I.A.2(a), 2(b), 2(d), 2(e), 2(f), or 2(g) of these requirements, may be up to $2,000,000 per year.

9. If an SEA does not have sufficient School Improvement Grants funds to allocate to each LEA with a Tier I or Tier II school or, in an SEA with an approved ESEA flexibility request, to each LEA with a priority or focus school, an amount sufficient to enable the school to implement fully and effectively the specified intervention throughout the period of availability, including any extension afforded

through a waiver, the SEA may take into account the distribution of Tier I, Tier II, priority, and focus schools among such LEAs in the State to ensure that Tier I and Tier II schools or, in an SEA with an approved ESEA flexibility request, priority and focus schools throughout the State can be served.

10. In identifying Tier I, Tier II, priority, and focus schools in a State for purposes of allocating funds appropriated for School Improvement Grants under section 1003(g) of the ESEA, an SEA must exclude from consideration any school that was previously identified as a Tier I, Tier II, priority, or focus school and in which an LEA is implementing one of the interventions identified in these requirements using funds made available under section 1003(g) of the ESEA.

11. Before submitting its application for a School Improvement Grant to the Department, the SEA must consult with its Committee of Practitioners established under section 1903(b) of the ESEA regarding the rules and policies contained therein and may consult with other stakeholders that have an interest in its application.

C. *Renewal for additional one-year periods.*

1. An SEA must renew the School Improvement Grant for each affected LEA for additional one-year periods, subject to sections II.C.4–C.6 of these requirements, if the LEA demonstrates that its Tier I, Tier II, priority, and focus schools are meeting the annual goals for student achievement established by the LEA consistent with section II.A.8 of these requirements, and that its Tier III schools are meeting the goals established by the LEA and approved by the SEA.

2. An SEA may renew an LEA's School Improvement Grant with respect to a particular school, subject to the requirements in sections II.C.4–C.6, if the SEA determines that, with respect to that school—

(a) The school is making progress toward meeting the annual goals for student achievement established by the LEA consistent with section II.A.8 of these requirements;

(b) The school is making progress on the leading indicators in section III of these requirements;

(c) The LEA is implementing interventions in the school with fidelity to applicable requirements and to the LEA's application; or

(d) The LEA's Tier III school is making progress toward the goals established by the LEA.

3. If an SEA does not renew an LEA's School Improvement Grant with respect to a particular school, the SEA may reallocate those funds to other eligible LEAs, consistent with these requirements.

4. An SEA, prior to renewing the School Improvement Grant of an LEA that received funds for a full year of planning and other pre-implementation activities for a particular school, must review the performance of the LEA in that school during the planning year against the LEA's approved application and determine that the LEA will be able to fully implement its chosen intervention for the school on the first day of the following school year.

5. An SEA may renew an LEA's School Improvement Grant for a particular school, after three years of continuous intervention implementation in that school, after the SEA has determined that such renewal is appropriate pursuant to the criteria in sections II.C.1–C.2 of these requirements, for up to an additional two years for continued full implementation of the intervention or for activities related to sustaining reforms in the school. An SEA may not renew an LEA's School Improvement Grant if doing so would result in more than five years of continuous School Improvement Grants funding with respect to a particular school.

6. Nothing in these requirements diminishes an SEA's authority to take appropriate enforcement action with respect to an LEA that is not complying with the terms of its grant.

D. *State reservation for administration, evaluation, and technical assistance.*

An SEA may reserve from the School Improvement Grants funds it receives under section 1003(g) of the ESEA in any given year no more than five percent for administration, evaluation, and technical assistance expenses. An SEA must describe in its application for a School Improvement Grant how the SEA will use these funds.

III. Reporting and Evaluation

A. *Reporting metrics.*

To inform and evaluate the effectiveness of the interventions identified in these requirements, the Secretary will collect data on the metrics in the following chart. Accordingly, an SEA must report only the following new data with respect to School Improvement Grants:

1. A list of the LEAs, including their NCES identification numbers, that received a School Improvement Grant under section 1003(g) of the ESEA and the amount of the grant.

2. For each LEA that received a School Improvement Grant, a list of the schools that were served, their NCES identification numbers, and the amount of funds or value of services each school received.

3. For any Tier I, Tier II, priority, or focus school, school-level data on the metrics designated on the following chart as ''SIG'' (School Improvement Grants):

Metric	Source	Achievement indicators	Leading indicators
	SCHOOL DATA		
Which intervention the school used (*e.g.,* turnaround, restart, evidence-based, whole school reform strategy).	SIG		
Number of schools in rural LEAs implementing an intervention model with a modified element pursuant to section I.B.6 of these requirements.	SIG		
Which intervention the school in a rural LEA implementing an intervention model with a modified element pursuant to section I.B.6 of these requirements used.	SIG		
AYP status	ED*Facts*	✓	
Which AYP targets the school met and missed	ED*Facts*	✓	
School improvement status	ED*Facts*	✓	
Number of minutes within the school year	SIG		✓
	STUDENT OUTCOME/ACADEMIC PROGRESS DATA		

Metric	Source	Achievement indicators	Leading indicators
Percentage of students at or above each proficiency level on State assessments in reading/language arts and mathematics (*e.g.,* Basic, Proficient, Advanced), by grade and by student subgroup.	ED*Facts*	✓	
Student participation rate on State assessments in reading/language arts and in mathematics, by student subgroup.	ED*Facts*		✓
Average scale scores on State assessments in reading/language arts and in mathematics, by grade, for the ''all students'' group, for each achievement quartile, and for each subgroup.	SIG	✓	
Percentage of limited English proficient students who attain English language proficiency.	SIG	✓	
Graduation rate	ED*Facts*	✓	
Dropout rate	ED*Facts*		✓
Student attendance rate	SIG		✓
Number and percentage of students completing advanced coursework (*e.g.,* AP/IB), early-college high schools, or dual enrollment classes.	SIG HS only		✓
College enrollment rates	ED*Facts*	✓	
	STUDENT CONNECTION AND SCHOOL CLIMATE		
Discipline incidents	ED*Facts*		✓
Chronic absenteeism rates	CRDC		✓
	TALENT		
Distribution of teachers by performance level on LEA's teacher evaluation system	SIG		✓
Teacher attendance rate	SIG		✓

4. An SEA must report these metrics for the school year prior to implementing the intervention, if the data exist, to serve as a baseline, and for each year thereafter for which the SEA allocates School Improvement Grants funds under section 1003(g) of the ESEA. With respect to a school that is closed, the SEA need report only the identity of the school and the intervention taken—i.e., school closure.

B. *Evaluation.*

An LEA that receives a School Improvement Grant must participate in any evaluation of that grant conducted by the Secretary.

Final Requirements

We will announce the final requirements in a document in the **Federal Register**. We will determine the final requirements after considering responses to this document and other information available to the Department. This document does not preclude us from proposing additional requirements subject to meeting applicable rulemaking requirements.

Note: This document does *not* solicit applications. In any year in which we choose to use one or more of these priorities, requirements, definitions, and selection criteria, we invite applications through a document in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action would have an annual effect on the economy of more than $100 million because fiscal year 2014 appropriations for the program, which the Department will award to SEAs in fiscal year 2015, are approximately $506 million. Therefore, this proposed action is ''economically significant'' and subject to review by OMB under section 3(f)(1) of Executive Order 12866. Notwithstanding this determination, we have assessed the potential costs and benefits, both quantitative and qualitative, of this proposed regulatory action and have determined that the benefits would justify the costs.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or

provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these proposed requirements only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this proposed regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

In this regulatory impact analysis we discuss the potential costs and benefits and the regulatory alternatives we considered.

Discussion of Potential Costs and Benefits

The Department believes that the proposed requirements would not impose significant costs on SEAs and LEAs that receive SIG funds. State and local costs of implementing the proposed requirements (including State costs of applying for grants, distributing grant funds to LEAs, ensuring compliance with the proposed requirements, and reporting to the Department; and LEA costs of applying for subgrants and implementing interventions) will be financed through grant funds. We do not believe that the proposed requirements will impose burden that SEAs or LEAs will need to meet from other sources.

This regulatory action would continue to drive SIG funds to LEAs that have the lowest-achieving schools in amounts sufficient to turn those schools around and significantly increase student achievement. It would also continue to require participating LEAs to adopt the most effective approaches to turning around low-achieving schools. In short, we believe that this action would ensure that limited SIG funds continue to be put to their optimum use—that is, that they are targeted to where they are most needed and used in the most effective manner possible. The benefits, then, would be more effective schools serving children from low-income families and a better education for those children.

Regulatory Alternatives Considered

As discussed elsewhere, the Department believes that the proposed requirements are needed to ensure that the SIG program is implemented in a manner that, among other things, is consistent with the programmatic changes made by Congress in the Consolidated Appropriations Act, 2014. One alternative to promulgation of the proposed requirements would be for the Department to allocate fiscal year 2014 SIG funds without establishing any new requirements governing their use. Under such an alternative, States and LEAs would need to implement the new provisions in the appropriations language without key regulatory support from the Department. For instance, each State would be responsible for ensuring, for its LEAs that seek to use SIG funds to implement an evidence-based, whole-school reform strategy in an eligible school, that the strategy selected by the LEA constitutes whole-school reform and is supported by at least moderate evidence of effectiveness. We do not believe that States generally possess the capacity or expertise needed to meet this responsibility with the amount of rigor expected by Congress.

Elsewhere in this section under Paperwork Reduction Act of 1995, we identify and explain burdens specifically associated with information collection requirements.

Accounting Statement

As required by OMB Circular A–4 (available at *www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a004/a-4.pdf*), in the following table we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of this regulatory action. This table provides our best estimate of the changes in annual monetized transfers as a result of this regulatory action. Expenditures are classified as transfers from the Federal Government to SEAs.

ACCOUNTING STATEMENT CLASSIFICATION OF ESTIMATED EXPENDITURES

[in millions]

Category	Transfers
Annualized Monetized Transfers.	$506
From Whom To Whom?	From the Federal Government to SEAs.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Department invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

• Are the requirements in the proposed regulations clearly stated?

• Do the proposed regulations contain technical terms or other wording that interferes with their clarity?

• Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?

• Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections?

• Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?

• What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make these proposed regulations easier to understand, see the instructions in the **ADDRESSES** section.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed requirements will not have a significant economic impact on a substantial number of small entities. Under the U.S. Small Business Administration's Size Standards, small entities include small governmental jurisdictions such as cities, towns, or school districts (LEAs) with a population of less than 50,000. Although the majority of LEAs that receive title I funds qualify as small entities under this definition, the requirements proposed in this document would not have a significant economic impact on these small LEAs because (1) The costs of implementing the required interventions would be covered by the grants received by successful applicants, and (2) in most cases the costs of developing and submitting applications would not be significantly higher than the costs that would be incurred in applying for program funds under the statutory requirements. Also, small LEAs may receive technical assistance and other support from their SEAs in developing applications for these funds.

The Department believes the benefits provided under this proposed regulatory action outweigh the burdens on these small LEAs of complying with the proposed requirements. In particular, the proposed requirements would make significant resources available to eligible small LEAs to make the fundamental changes needed to turn around their lowest-achieving schools, resources that otherwise may not be available to small and often geographically isolated LEAs.

The Secretary invites comments from small LEAs as to whether they believe the requirements proposed in this document would have a significant economic impact on them and, if so, requests evidence to support that belief.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps ensure that: the public understands the Department's collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

A Federal agency may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number. Notwithstanding any other provision of law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently valid OMB control number.

In the final requirements we will display the control number 1810–0682 assigned by OMB to any information collection requirements proposed in these proposed requirements and adopted in the final requirements. These requirements contain information collection activities covered under the PRA and currently approved by OMB. The activities that are currently approved by OMB consist of: (1) The SEAs' preparation of applications to submit to the Department to apply for SIG funds and the SEAs' posting of the LEAs' applications on the SEAs' Web sites; (2) the reporting of specific school-level data on the use of SIG funds and specific interventions implemented in LEAs receiving SIG funds that the Department currently collects through *EDFacts* (OMB Control 1875–0240); and (3) the application an LEA must submit to apply to its SEA for SIG funds. The following is a summary of how the proposed requirements would change these activities and the effect they would have on the total burden.

Changes to the SEA Applications

Under proposed requirement section II.B.1(b), each SEA may submit, as part of the required application it submits to the Department to receive SIG funds, one State-determined intervention model for review and approval by the Secretary. These proposed requirements would require an SEA to submit a proposed State-determined intervention model as part of its application, if a State choses to implement this model.

Under the burden estimates currently approved by OMB, 52 SEAs will complete, review, and post SEA and LEA applications for a total of 46,800 annual burden hours at a cost of $30 per hour, totaling an annual cost of $1,404,000. These proposed requirements do not change the currently approved annual burden for SEAs.

Revising Reporting Requirements

The proposed requirements make a number of clarifications to the reporting requirements. First, proposed requirement section III.A.3 eliminates the metric for ''Truants'' and replaces it with ''Chronic absenteeism rates.'' Second, proposed requirement III.A clarifies the correct source for each of the required metrics and removes references to the SFSF previously approved under OMB data collection 1810–0695. Finally, proposed requirements in section III.A.3 would require an SEA to report, with respect to schools receiving SIG awards, the number of schools implementing models with a modified element pursuant to proposed section I.B.6 and which models are being implemented in those schools.

Under the reporting burden estimates, 52 SEAs will report SEA and LEA requirements for a total of 3,640 annual burden hours at a cost of $30 per hour totaling an annual cost of $109,200. These proposed requirements add burden to the currently approved annual burden for SEAs.

Changes to the LEA Application

The proposed requirements also add to the existing requirements in section I.A.4(a) (Evidence of strongest commitment) information that, under proposed section II.A.2(c), the LEA must include in the LEA application related to an evidence-based, whole-school reform strategy (for those LEAs that propose to implement such a strategy); meaningful family and community engagement; LEA oversight and support of SIG implementation; review of, and accountability for, external provider performance; and the review process for selecting a charter school operator, CMO, or EMO.

Under the burden estimates that are currently approved by OMB, 3,050 LEAs will complete an application for a total of 183,000 annual burden hours at a cost of $25 per hour totaling an annual cost of $4,575,000. These proposed requirements do not change the approved annual burden for LEAs.

Collection of Information

STATE EDUCATIONAL AGENCY ESTIMATE

SIG Activity	Number of SEAs	Hours/activity	Hours	Cost/hour	Cost
Complete SEA application (including requests for waivers)	52	100	5,200	$30	$156,000
Review and post LEA applications	52	800	41,600	30	1,248,000
Reporting	52	70	3,640	30	109,200
Total			50,440	30	1,513,200

LOCAL EDUCATIONAL AGENCY ESTIMATE

SIG Activity	Number of LEAs	Hours/activity	Hours	Cost/hour	Cost
Complete LEA application	3,050	60	183,000	$25	$4,575,000
Total			183,000	25	4,575,000

To comment on the information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for U.S. Department of Education. Send these comments by email to *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974. You may also send a copy of these comments to the Department via the Federal eRulemaking Portal listed in the **ADDRESSES** section.

We have prepared an Information Collection Request (ICR) for these collections. In preparing your comments you may want to comment on the ICR, which is available at *www.reginfo.gov.* Click on Information Collection Review. This ICR is identified as 1810–0682.

We consider your comments on this collection of information in—

• Deciding whether the collections are necessary for the proper performance of our functions, including whether the information will have practical use;

• Evaluating the accuracy of our estimate of the burden of the collections, including the validity of our methodology and assumptions;

• Enhancing the quality, usefulness, and clarity of the information we collect; and

• Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

ADDRESSES: Comments submitted in response to this document should be submitted electronically through the Federal eRulemaking Portal at *www.regulations.gov* by selecting Docket ID ED–2014–OESE–0179 or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., Mailstop L–OM–2–2E319LBJ, Room 2E115, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

Intergovernmental Review

This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the person listed under **FOR FURTHER INFORMATION CONTACT.**

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(Catalog of Federal Domestic Assistance Number 84.377A)

Dated: September 2, 2014.

Deborah Delisle,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2014–21185 Filed 9–5–14; 8:45 am]

BILLING CODE 4000–01–P

FEDERAL REGISTER

Vol. 79 Monday,
No. 173 September 8, 2014

Part III

The President

Notice of September 4, 2014—Continuation of the National Emergency With Respect to Certain Terrorist Attacks

Federal Register
Vol. 79, No. 173
Monday, September 8, 2014

Presidential Documents

Title 3—

The President

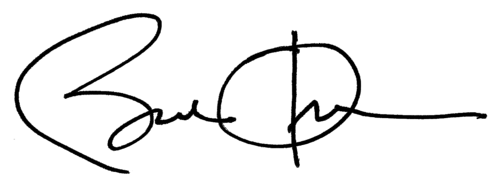
Notice of September 4, 2014

Continuation of the National Emergency With Respect to Certain Terrorist Attacks

Consistent with section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), I am continuing for 1 year the national emergency previously declared on September 14, 2001, in Proclamation 7463, with respect to the terrorist attacks of September 11, 2001, and the continuing and immediate threat of further attacks on the United States.

Because the terrorist threat continues, the national emergency declared on September 14, 2001, and the powers and authorities adopted to deal with that emergency must continue in effect beyond September 14, 2014. Therefore, I am continuing in effect for an additional year the national emergency that was declared on September 14, 2001, with respect to the terrorist threat.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
September 4, 2014.

[FR Doc. 2014–21534
Filed 9–5–14; 11:15 am]
Billing code 3295–F4

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Federal Register

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List August 13, 2014

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